

**2006**

# **Missouri Legal Malpractice Insurance Report**



**DIFP**  
Department of Insurance  
Financial Institutions &  
Professional Registration

# **MISSOURI LEGAL MALPRACTICE INSURANCE REPORT 2006**

**Department of Insurance, Financial Institutions & Professional Registration  
Statistics Section  
June 2007**

# Other Publications

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1. ***Missouri Complaint Index Report***  
summary information: <http://www.insurance.mo.gov/reports/complaint/index.htm>
2. ***Missouri Department of Insurance Annual Report***  
summary information: [http://www.insurance.mo.gov/aboutMDI/annual\\_report.htm](http://www.insurance.mo.gov/aboutMDI/annual_report.htm)
3. ***Missouri Life, Accident & Health Supplement Data***  
summary information: <http://www.insurance.mo.gov/reports/suppdata.htm>
4. ***Missouri Market Share Report***  
summary information: <http://www.insurance.mo.gov/reports/mktshr.htm>
5. ***Missouri Medical Malpractice (Closed Claim) Report***  
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7. ***Missouri Property & Casualty Supplement Report***  
summary information: <http://www.insurance.mo.gov/reports/suppdata.htm>
8. ***Missouri Real Estate Malpractice (Closed Claim) Report***  
summary information: <http://www.insurance.mo.gov/reports/remal/index.htm>
9. ***Mortgage Guaranty Report***  
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10. ***Private Passenger Automobile Report***  
summary information: <http://www.insurance.mo.gov/reports/ppauto.pdf>
11. ***Missouri Health Maintenance Organization Report***  
summary information: <http://www.insurance.mo.gov/reports/hmo/index.htm>

**Databases:** For more information: <http://www.insurance.mo.gov/reports/index.htm#aggdata>

1. Medicare Supplement Experience Data
2. Commercial Liability Experience Data
3. Missouri **Zip Code Insurance Data** for:
  - Homeowners/Dwelling Fire,
  - Farmowners (dwelling only),
  - Mobile Home,
  - Earthquake, and
  - Private Passenger Automobile

Some data is available to the public for a fee by special request only. For additional information, contact the **Statistics Section at (573) 751-4126**.

## **LEGAL MALPRACTICE INSURANCE REPORT EXECUTIVE SUMMARY**

This report summarizes the legal malpractice insurance experience in Missouri from 1997 to 2006.

The charts, graphs and tables in this report are limited to closed claim information and were constructed from data collected by the Department of Insurance, Financial Institutions & Professional Registration as required by Section 383.077 RSMo. The premium and loss data, obtained from the Missouri Page 20 Supplement to the companies' annual statements, are presented in the final section.

In 2006, the loss ratio for legal malpractice insurance in Missouri was 70 percent. For the 10-year period of claims closed<sup>1</sup>, 694 (27 percent) were closed with payment. Claims closed in 2006 totaled 258, a 3.2 percent increase from the previous year, and 73 involved payments. The average payment was \$93,463.

The cost to an insurer for settling legal malpractice cases or the loss adjustment expense (legal fees, claims adjustment costs, etc.) has fluctuated over the past 10 years. In 2006, the average loss adjustment expense for all claims closed with payment was \$73,586, compared to \$75,971 in 2005.

In producing this report, indemnities paid on closed claims have been categorized by claim characteristics. The number of closed claims, average paid claim and the total amount paid are included. The categories used for the indemnity analysis are:

- Area of law in which the insured was retained by the claimant.
- Major activity in which the lawyer was engaged at the time the alleged error or omission occurred.
- Alleged error or omission that was the most significant reason for making the claim.
- The legal disposition of the claim at the closing date.
- The number of years the insured had been in practice at the time of the alleged error or omission.
- The relationship of the insured to the claimant.

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<sup>1</sup>Claims closed may have resulted from incidents in any previous period.

By area of law, the largest share of claims closed in 2006 (73 of 258) was initiated by plaintiffs in *personal injury and property damage cases*.

The largest proportion of all claims closed in 2006 and in the past 10 years involved the *commencement of the legal action or proceeding*. *Planning or strategy error* was the most common reason stated for filing a claim in 2006. Of all claims paid during 2006, 59 percent were settled *before trial or hearing* on the alleged malpractice.

In the last two sections of the indemnity analysis, years admitted to practice and insured/claimant relationship are also reported. The three spans of years admitted to practice are: *under 4 years, 4 to 10 years and more than 10 years*. Ninety-seven percent of losses in 2006 occurred among attorneys with *more than 10 years of practice*. The insured's relationship to the claimant is partitioned into four subclasses: *free legal service, non-client, member of pre-paid legal plan and client other than free legal service or pre-paid legal plan*. Ninety-two percent of 2006 claims occurred in the category of *client other than free legal service or member of pre-paid legal plan*.

Only eleven companies reported writing legal malpractice insurance and submitted closed claim data in Missouri for 2006. The Bar Plan Mutual Insurance Company controlled at least 85 percent of the legal malpractice insurance market in this state.

This report was compiled using information submitted by insurance companies. As a result, the accuracy of this report is dependent upon the correctness of each company's data. Copies of this report will be made available in braille, large print, or on audio cassette upon request. Any questions regarding this report should be addressed to the Statistics Section, Department of Insurance, Financial Institutions & Professional Registration, P.O. Box 690, Jefferson City, MO 65102-0690.

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## DEFINITION OF TERMS

**Indemnity Paid:** The sum of all payments made during the year for the benefit of insurance claimants, before reinsurance has been ceded and/or assumed. These payments include amounts paid in the current year for claims arising from coverage in prior years and exclude amounts which will be paid in future years for claims arising from the current year. Hence, this item is not a measure of the actual cost of current coverages, but only of current cash flows.

**Loss Adjustment Expenses:** The cost involved in an insurance company's adjustment of losses under a policy.

**Direct Premiums Written:** The dollar amount charged when a policyholder contracts for insurance coverage before reinsurance has been ceded and/or assumed.

**Direct Premiums Earned:** The part of premium attributable to the coverage already provided in a given period before reinsurance has been ceded and/or assumed.

**Direct Losses Incurred:** The sum of direct losses paid plus an estimate at the close of the year of the amounts to be paid in the future for all claims arising from the current and all prior years, minus the corresponding estimate made at the close of business for the preceding year. Incurred losses reported include estimated amounts unpaid for incurred-but-not-reported (IBNR) claims.

**Loss Ratio:** The dollar amount of direct losses incurred divided by the dollar amount of premiums earned for the particular line of business being analyzed, expressed as a percentage. This is an accounting representation of the portion of each premium dollar which is needed to honor a company's promise to pay claims.

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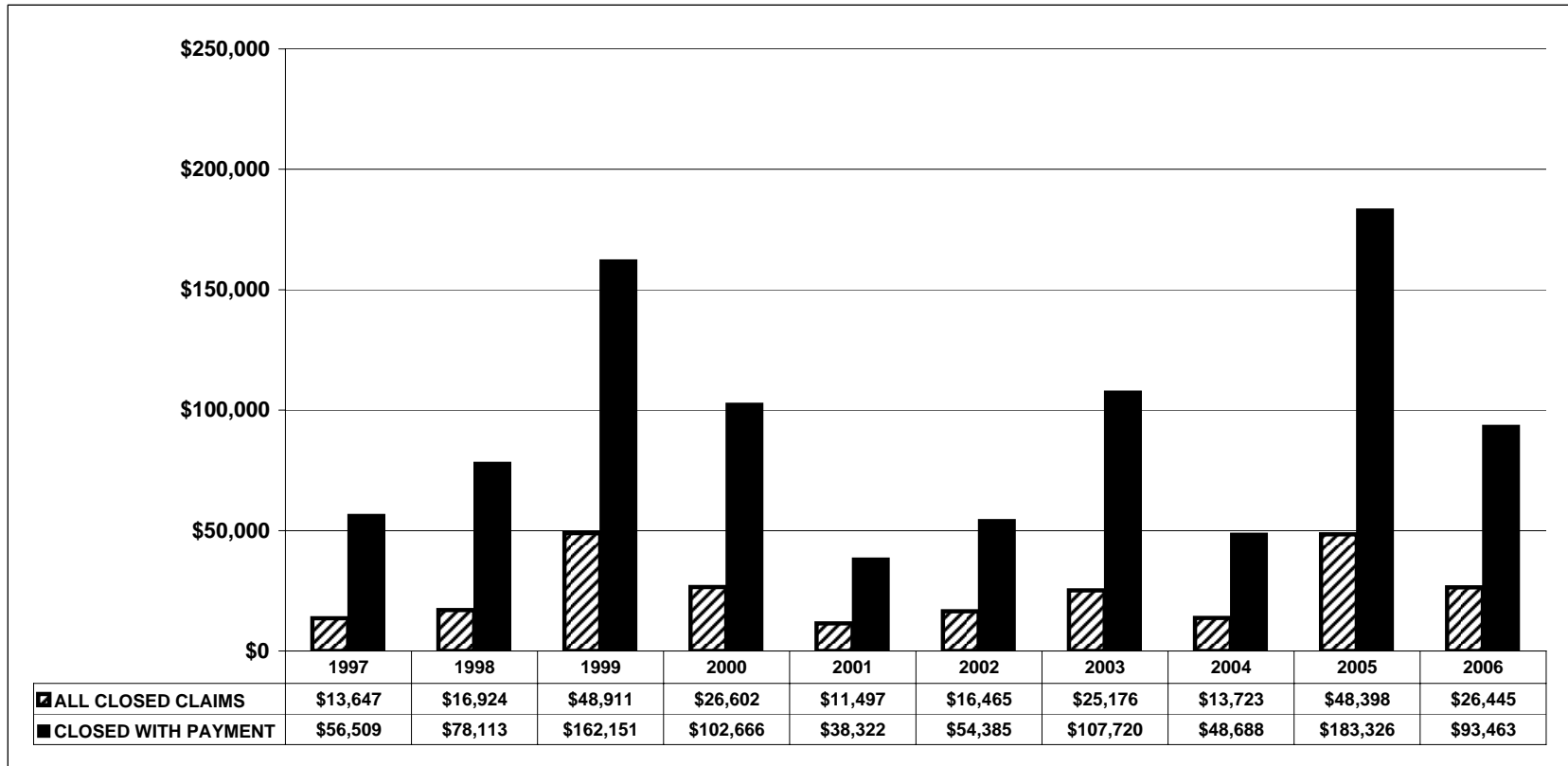
**TEN YEAR  
SUMMARY  
(1997 - 2006)**

**LEGAL MALPRACTICE EXPERIENCE  
TEN YEAR SUMMARY  
(1997 – 2006)**

CLOSED CLAIMS	NUMBER OF CLAIMS	PERCENT OF CLAIMS	TOTAL INDEMNITY PAID	AVERAGE INDEMNITY PAID	TOTAL LOSS EXPENSES PAID	AVERAGE LOSS EXPENSE PAID
All Closed Claims	2,602	100.0%	\$65,629,101	\$25,223	\$37,070,797	\$14,247
Closed with Payment	694	26.7%	\$65,629,101	\$94,566	\$22,132,811	\$31,892
Closed without Payment	1,908	73.3%	\$0	\$0	\$14,937,986	\$7,829
Claims Settled Through Court Proceedings	194	7.5%	\$6,629,628	\$34,173	\$8,745,347	\$45,079
Court Proceedings Resulting in Payment	36	1.4%	\$6,629,628	\$184,156	\$3,307,547	\$91,876

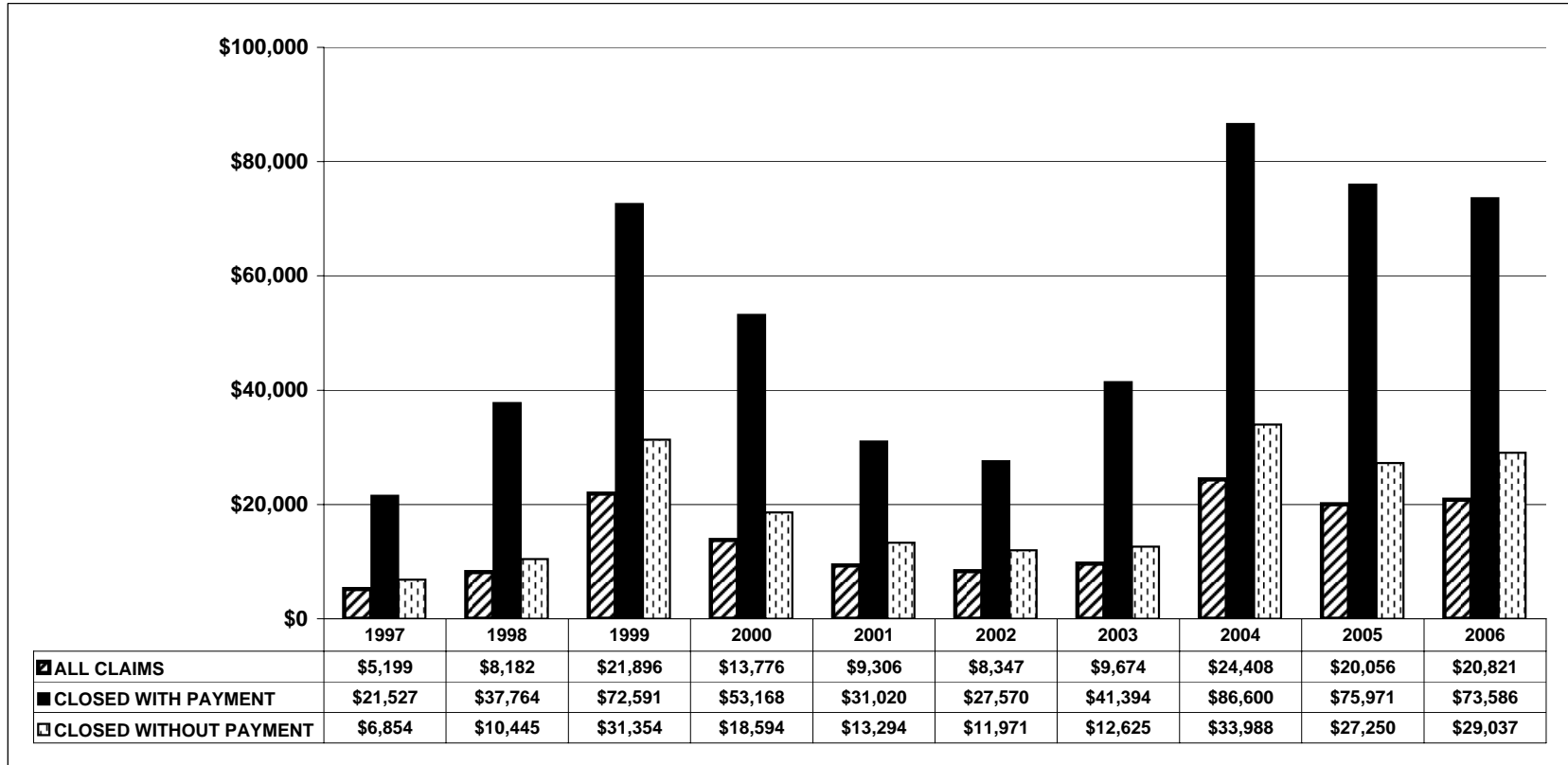
# MISSOURI LEGAL MALPRACTICE INSURANCE

## AVERAGE PAID CLAIM



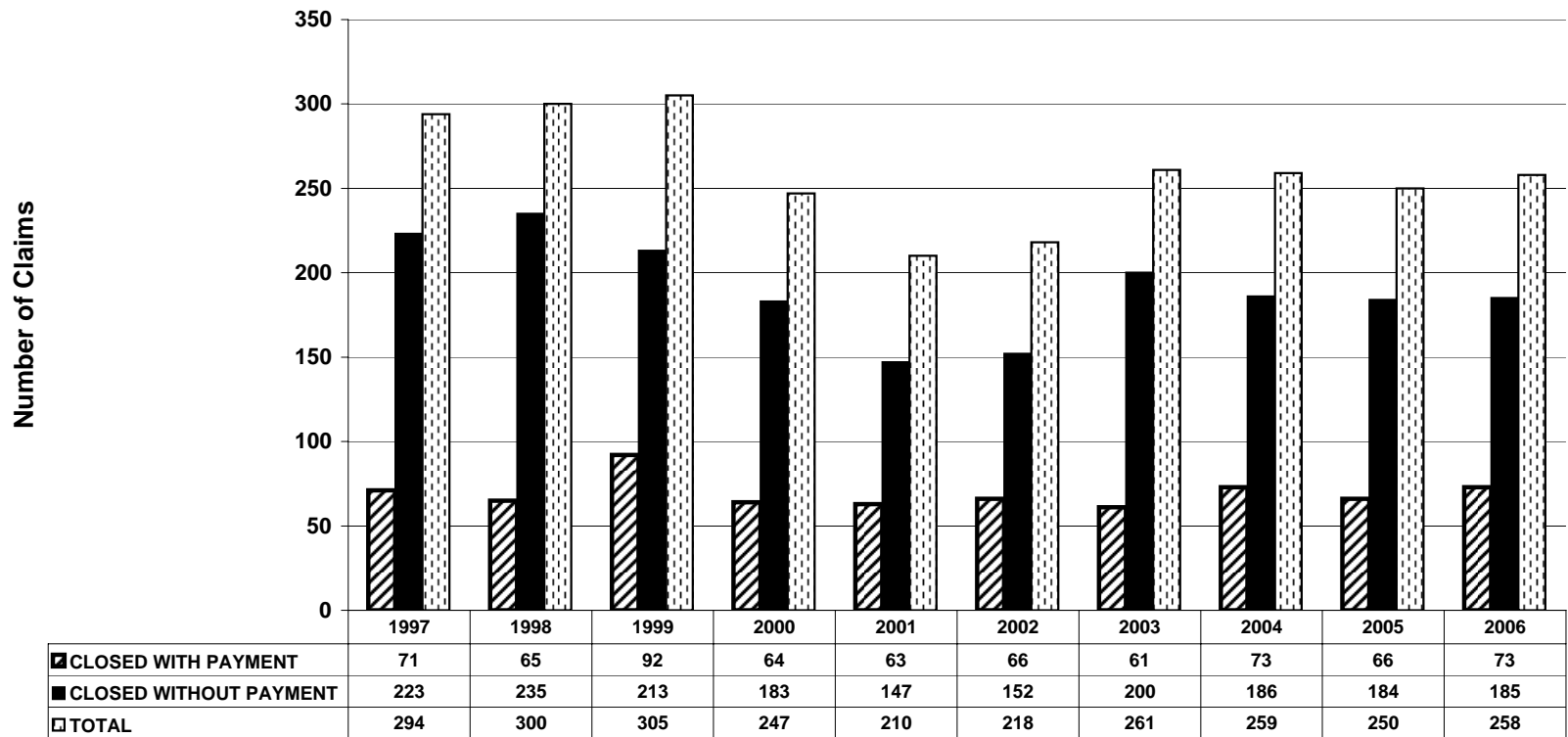
# MISSOURI LEGAL MALPRACTICE INSURANCE

## AVERAGE PAID LOSS ADJUSTMENT EXPENSE



# MISSOURI LEGAL MALPRACTICE INSURANCE

## CLAIM COUNT 1997 - 2006



**TEN YEAR SUMMARY  
&  
2006 SUMMARY  
BY  
AREA OF LAW**

# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS FOR YEARS 1997 – 2006

AREA OF LAW	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
BI/PD - PLAINTIFF	683	257	37.03%	\$59,773	\$15,361,558	23.41%	\$7,561
FAMILY LAW	314	63	9.08%	\$42,592	\$2,683,274	4.09%	\$6,686
ESTATE, TRUST & PROBATE	305	83	11.96%	\$64,148	\$5,324,261	8.11%	\$11,861
COLLECTION & BANKRUPTCY	301	64	9.22%	\$66,794	\$4,274,820	6.51%	\$8,359
REAL ESTATE	189	43	6.20%	\$174,104	\$7,486,473	11.41%	\$11,755
BUSINESS TRANSACTION/COMMERCIAL LAW	163	47	6.77%	\$150,471	\$7,072,148	10.78%	\$32,321
WORKERS COMPENSATION	125	41	5.91%	\$37,925	\$1,554,933	2.37%	\$8,384
CRIMINAL	108	13	1.87%	\$28,058	\$364,750	0.56%	\$6,263
BI/PD - DEFENDANT	103	22	3.17%	\$332,160	\$7,307,530	11.13%	\$41,957
CORPORATE & BUSINESS ORGANIZATION	77	16	2.31%	\$73,696	\$1,179,139	1.80%	\$23,261
CIVIL RIGHTS & COMMISSION	59	9	1.30%	\$92,227	\$830,044	1.26%	\$10,374
CONSUMER CLAIMS	38	5	0.72%	\$36,730	\$183,650	0.28%	\$13,632
LABOR LAW	33	7	1.01%	\$127,563	\$892,939	1.36%	\$14,353
LOCAL GOVERNMENT	26	3	0.43%	\$13,000	\$39,000	0.06%	\$19,209
TAXATION	16	4	0.58%	\$92,500	\$370,000	0.56%	\$26,246
PATENTS, TRADEMARKS, COPYRIGHTS	13	4	0.58%	\$291,250	\$1,165,000	1.78%	\$100,028
SECURITIES (S.E.C.)	11	3	0.43%	\$3,061,399	\$9,184,198	13.99%	\$381,165
CONSTRUCTION (BUILDING CONTRACTS)	9	3	0.43%	\$16,069	\$48,208	0.07%	\$1,977
GOVERNMENT CONTRACTS & CLAIMS	9	0	0.00%	N/A	\$0	0.00%	\$448
IMMIGRATION & NATURALIZATION	8	3	0.43%	\$92,010	\$276,030	0.42%	\$20,417
ANTITRUST	6	1	0.14%	\$3,945	\$3,945	0.01%	\$20,953
ADMIRALTY	5	3	0.43%	\$9,067	\$27,200	0.04%	\$3,742
ENVIRONMENT	1	0	0.00%	N/A	\$0	0.00%	\$0
<b>TOTAL</b>	<b>2,602</b>	<b>694</b>	<b>100.00%</b>	<b>\$94,566</b>	<b>\$65,629,101</b>	<b>100.00%</b>	<b>\$14,247</b>

# LEGAL MALPRACTICE INSURANCE

## INDEMNITY ANALYSIS

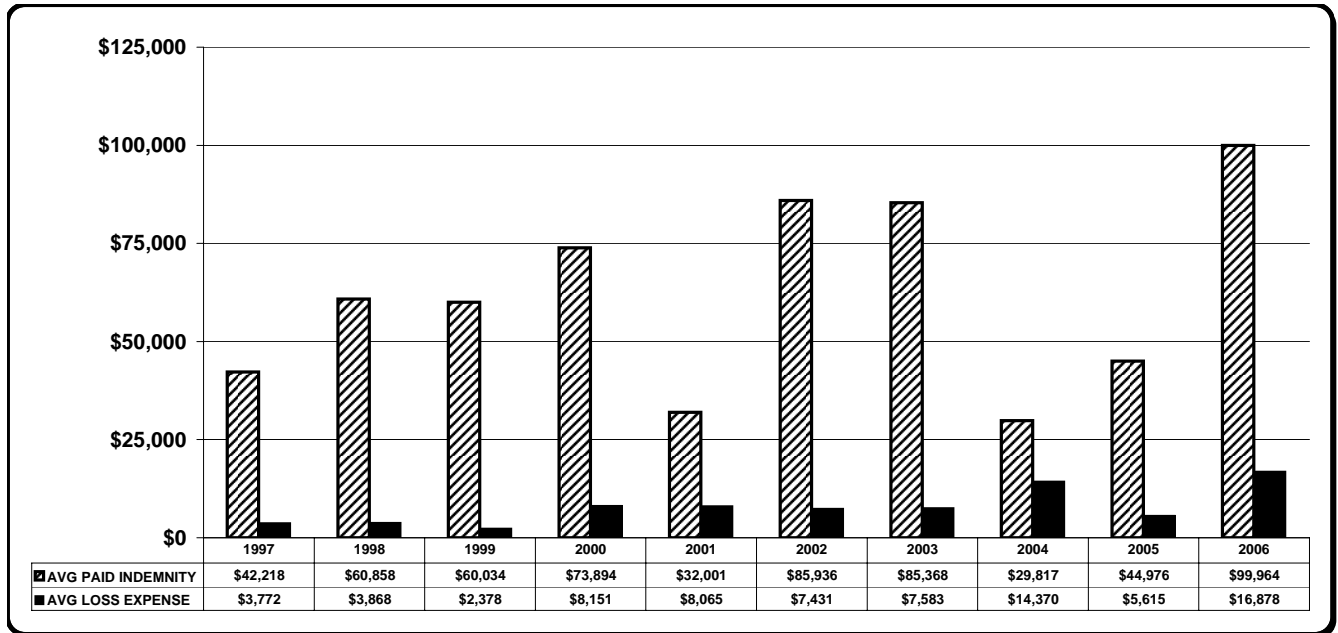
### CLAIMS CLOSED IN 2006

AREA OF LAW	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
BI/PD - PLAINTIFF	58	18	24.66%	\$99,964	\$1,799,355	26.37%	\$16,878
FAMILY LAW	42	13	17.81%	\$93,887	\$1,220,533	17.89%	\$19,295
COLLECTION & BANKRUPTCY	41	6	8.22%	\$18,083	\$108,500	1.59%	\$8,101
ESTATE, TRUST & PROBATE	28	9	12.33%	\$33,465	\$301,185	4.41%	\$25,851
REAL ESTATE	19	5	6.85%	\$154,010	\$770,050	11.29%	\$22,184
WORKERS COMPENSATION	13	4	5.48%	\$28,540	\$114,158	1.67%	\$46,758
LABOR LAW	11	2	2.74%	\$78,506	\$157,012	2.30%	\$23,171
BI/PD - DEFENDANT	9	4	5.48%	\$260,500	\$1,042,000	15.27%	\$23,896
BUSINESS TRANSACTION/COMMERCIAL LAW	9	5	6.85%	\$192,800	\$964,000	14.13%	\$85,231
CRIMINAL	6	0	0.00%	N/A	\$0	0.00%	\$552
CIVIL RIGHTS & COMMISSION	5	2	2.74%	\$10,522	\$21,044	0.31%	\$18,734
CONSTRUCTION (BUILDING CONTRACTS)	4	2	2.74%	\$11,604	\$23,208	0.34%	\$628
CORPORATE & BUSINESS ORGANIZATION	3	2	2.74%	\$145,276	\$290,552	4.26%	\$48,372
ADMIRALTY	2	1	1.37%	\$11,200	\$11,200	0.16%	\$0
LOCAL GOVERNMENT	2	0	0.00%	N/A	\$0	0.00%	\$676
CONSUMER CLAIMS	1	0	0.00%	N/A	\$0	0.00%	\$13,755
ENVIRONMENT	1	0	0.00%	N/A	\$0	0.00%	\$0
GOVERNMENT CONTRACTS & CLAIMS	1	0	0.00%	N/A	\$0	0.00%	\$0
IMMIGRATION & NATURALIZATION	1	0	0.00%	N/A	\$0	0.00%	\$0
SECURITIES (S.E.C.)	1	0	0.00%	N/A	\$0	0.00%	\$0
TAXATION	1	0	0.00%	N/A	\$0	0.00%	\$425
<b>TOTAL</b>	<b>258</b>	<b>73</b>	<b>100.00%</b>	<b>\$93,463</b>	<b>\$6,822,797</b>	<b>100.00%</b>	<b>\$20,821</b>

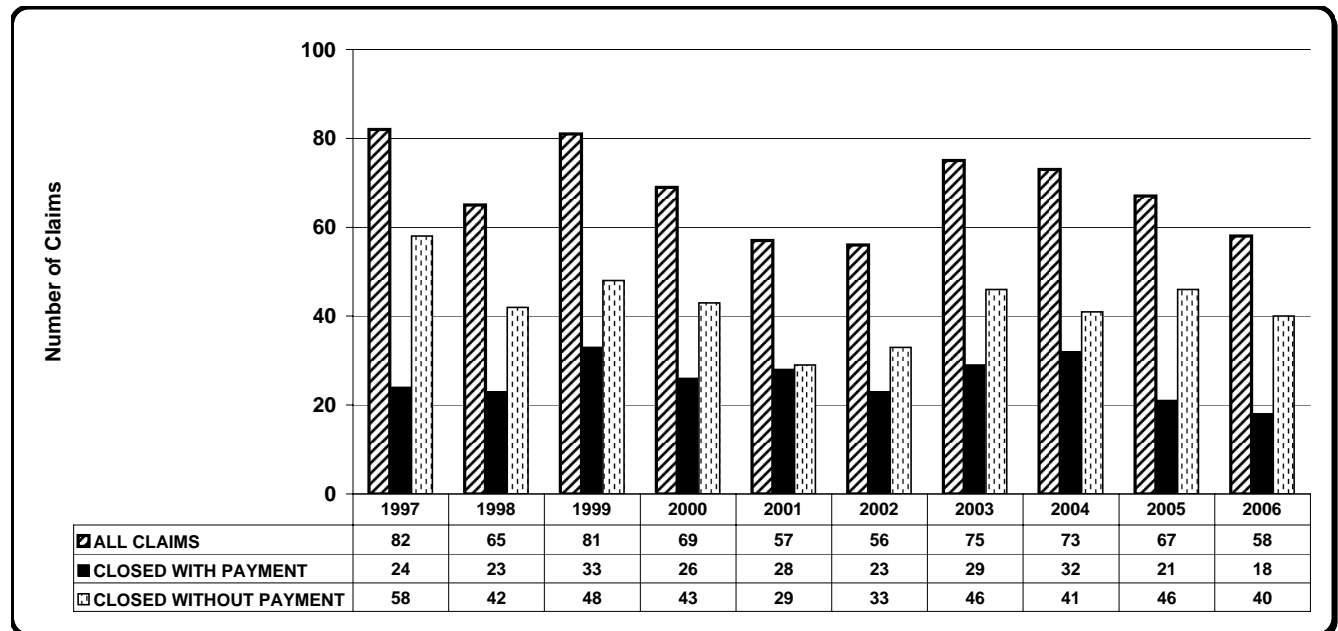
**TRENDS  
OF THE TOP TEN  
AREAS OF LAW  
OF 2006**

## PERSONAL INJURY/PROPERTY DAMAGE - PLAINTIFF

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

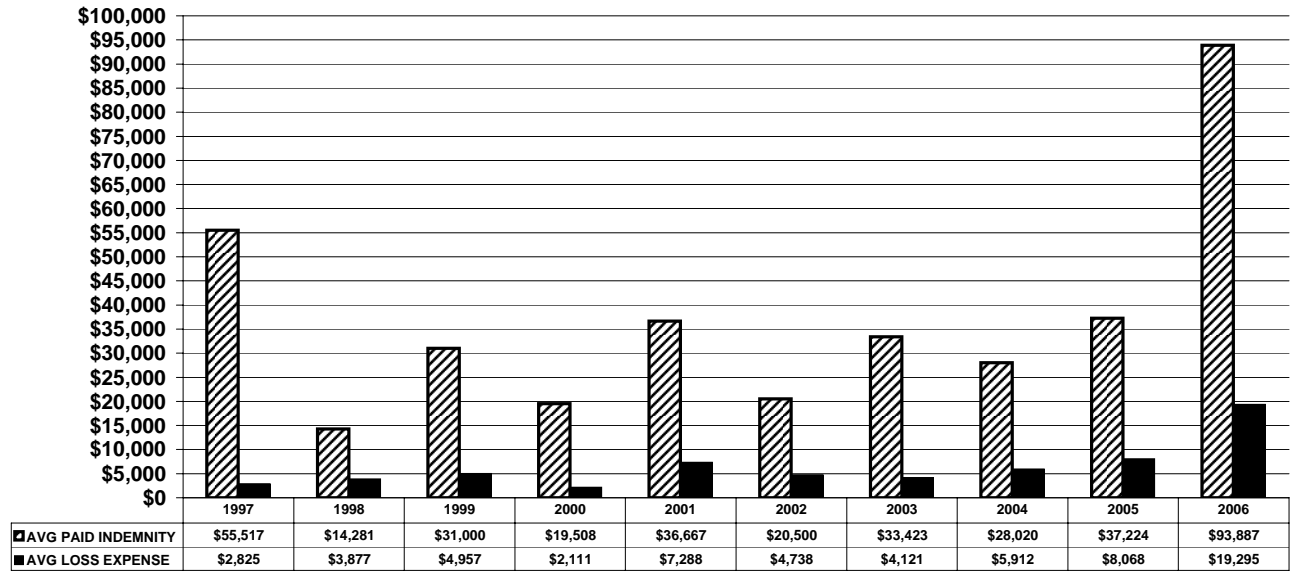


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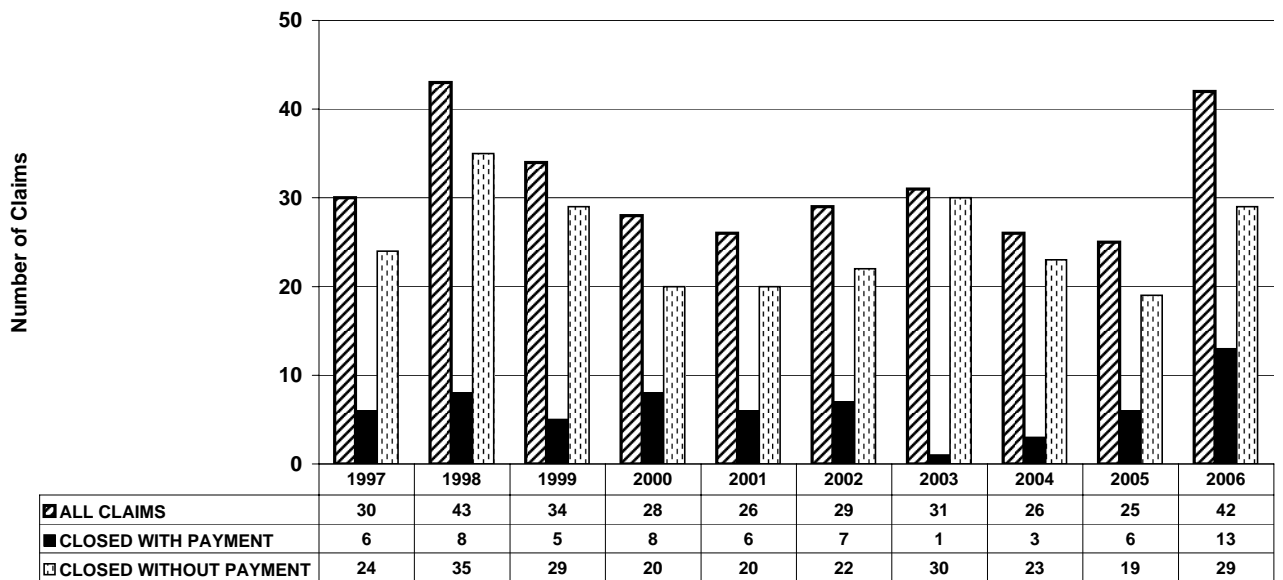


## FAMILY LAW

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

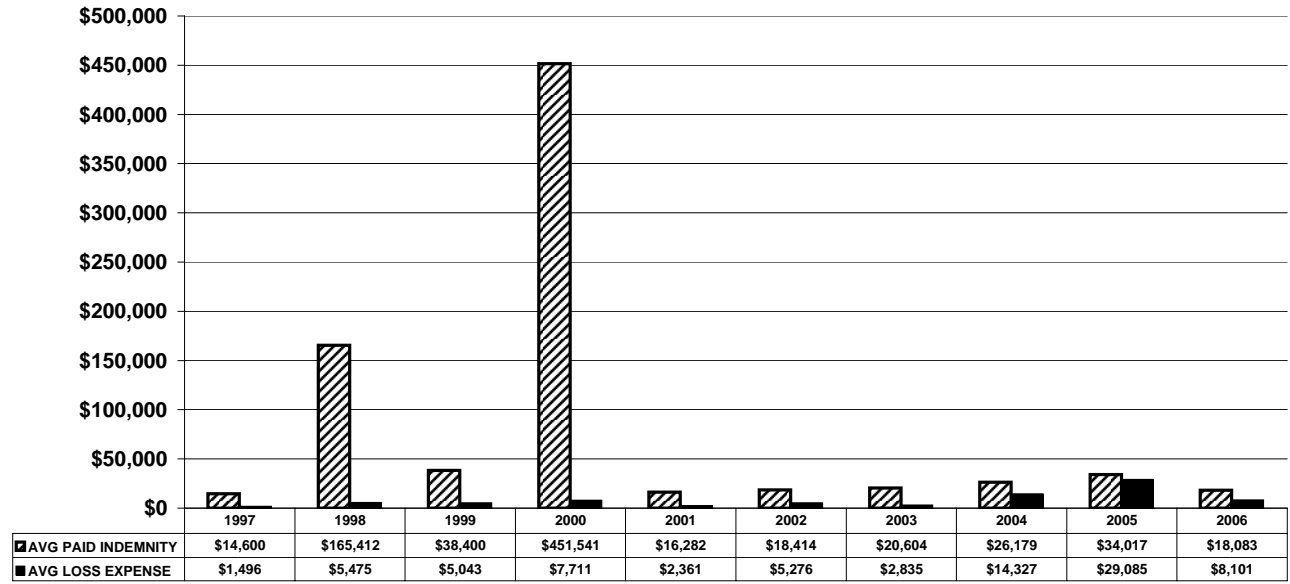


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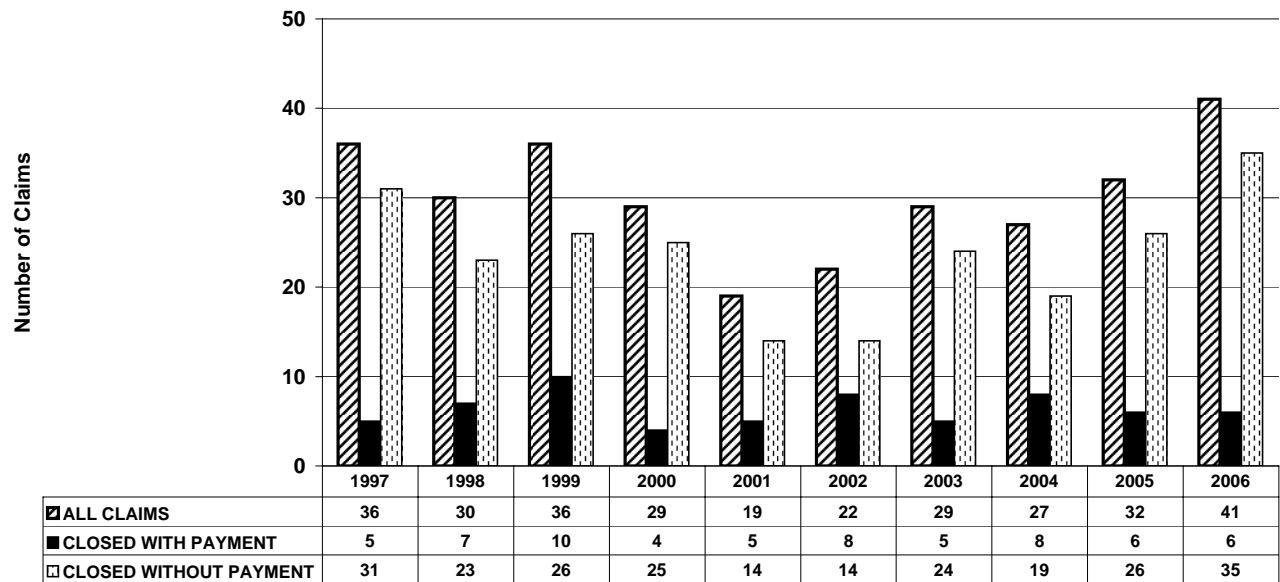


## COLLECTION AND BANKRUPTCY

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

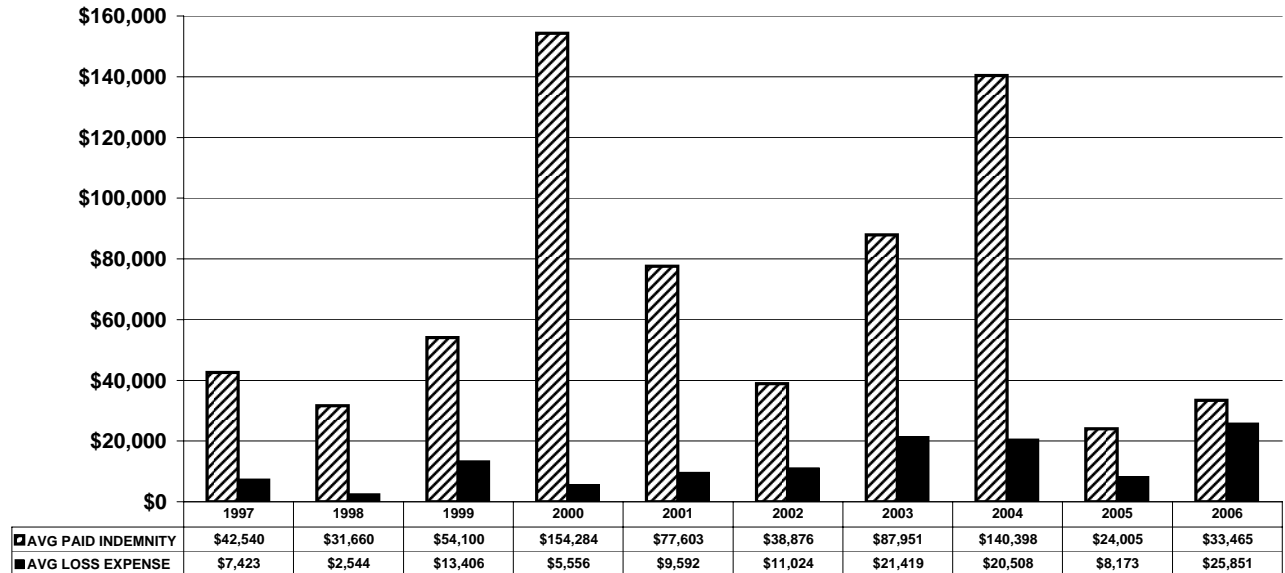


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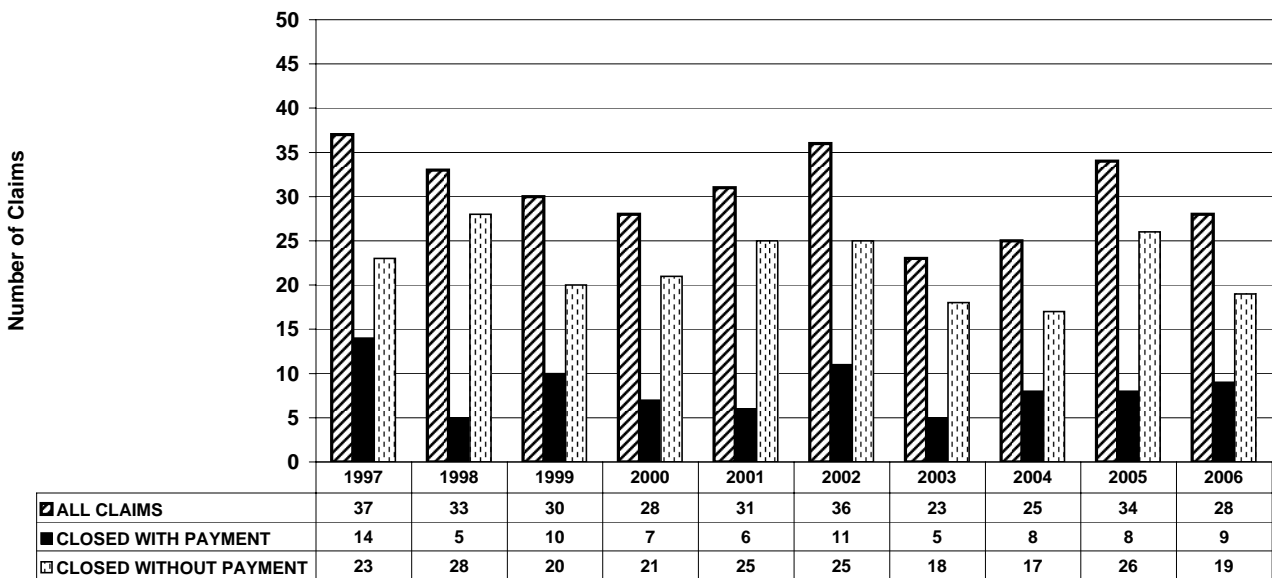


## ESTATE, TRUST & PROBATE

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

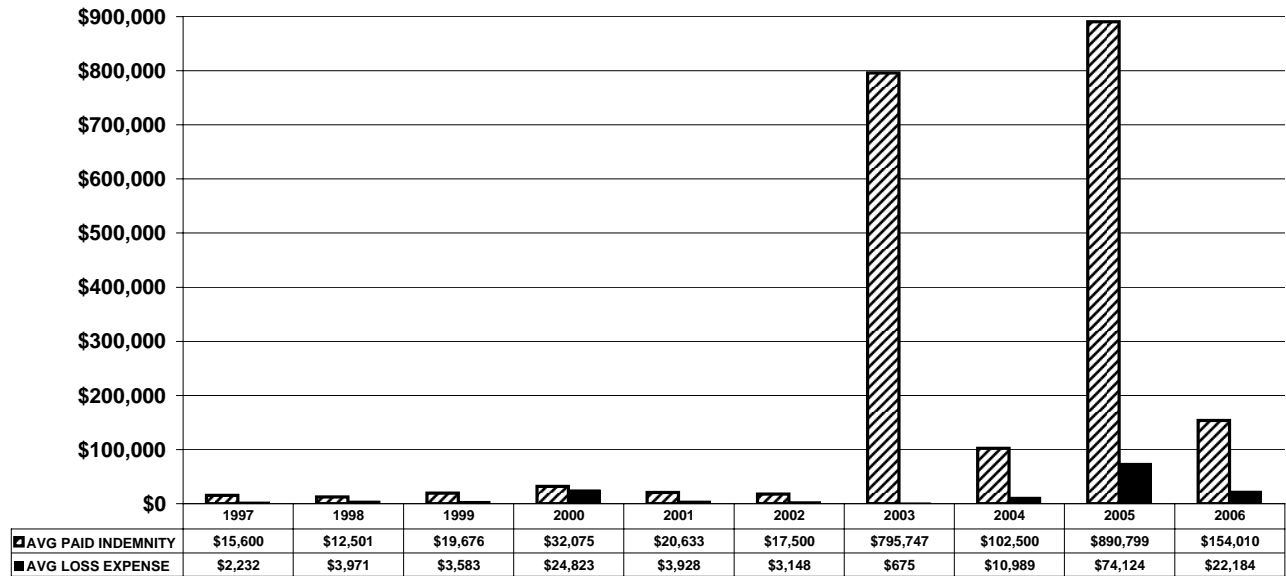


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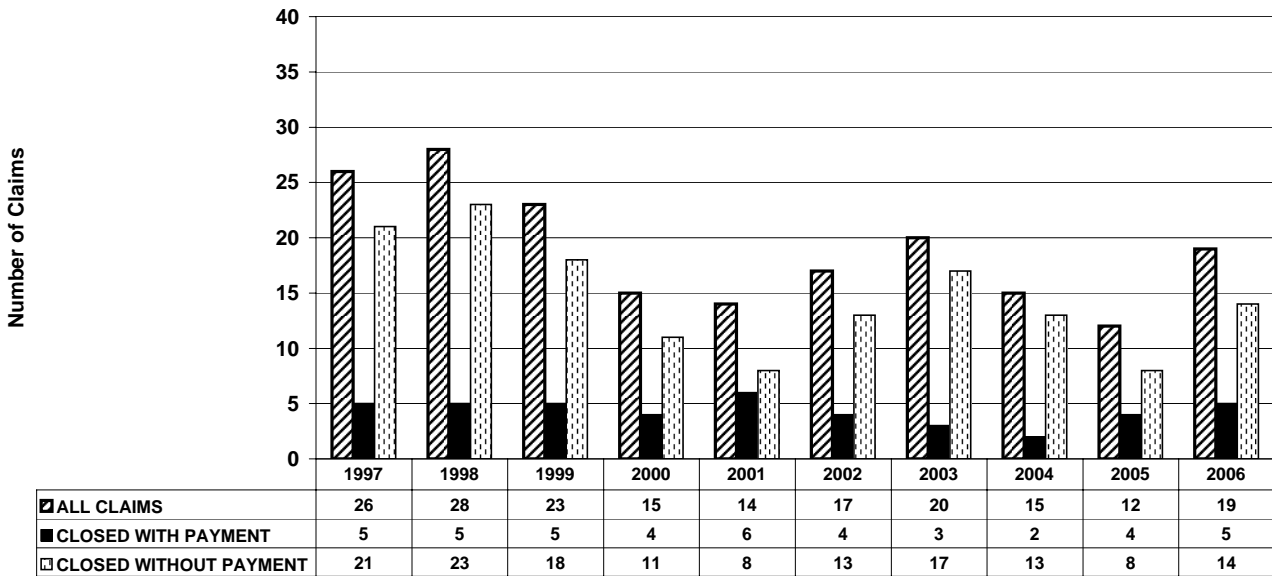


## REAL ESTATE

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

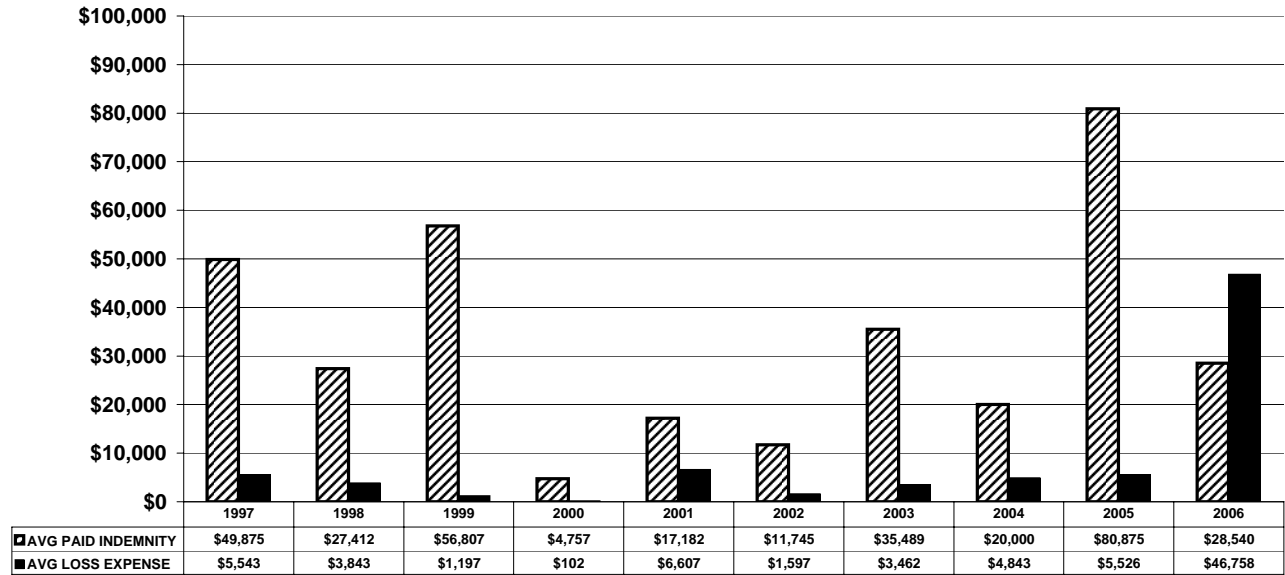


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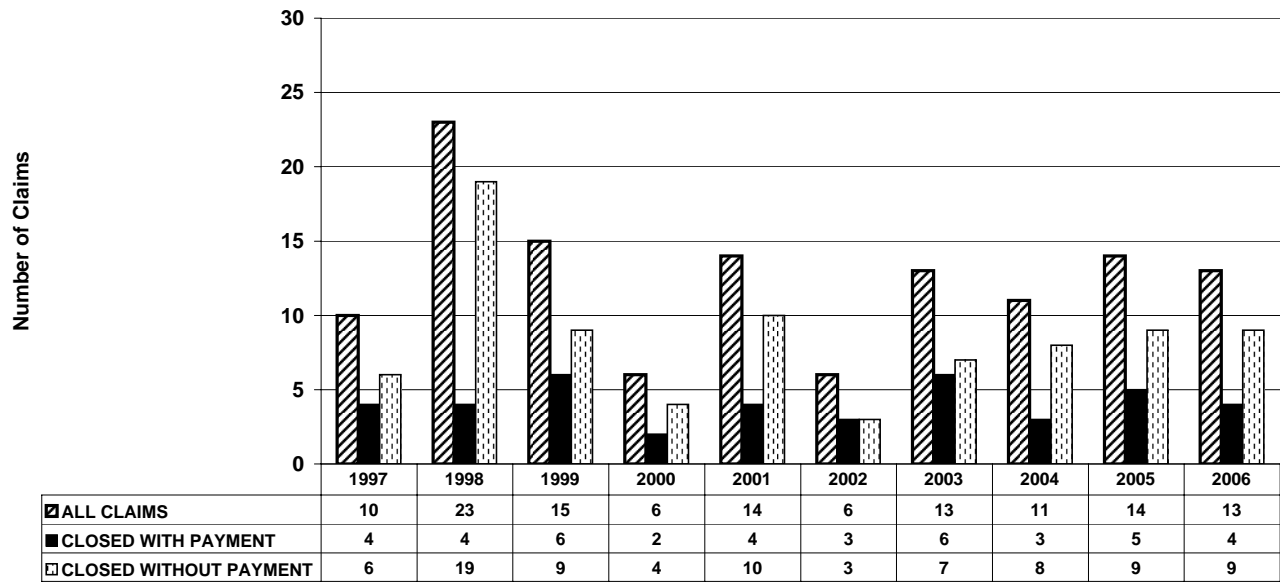


## WORKERS' COMPENSATION

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

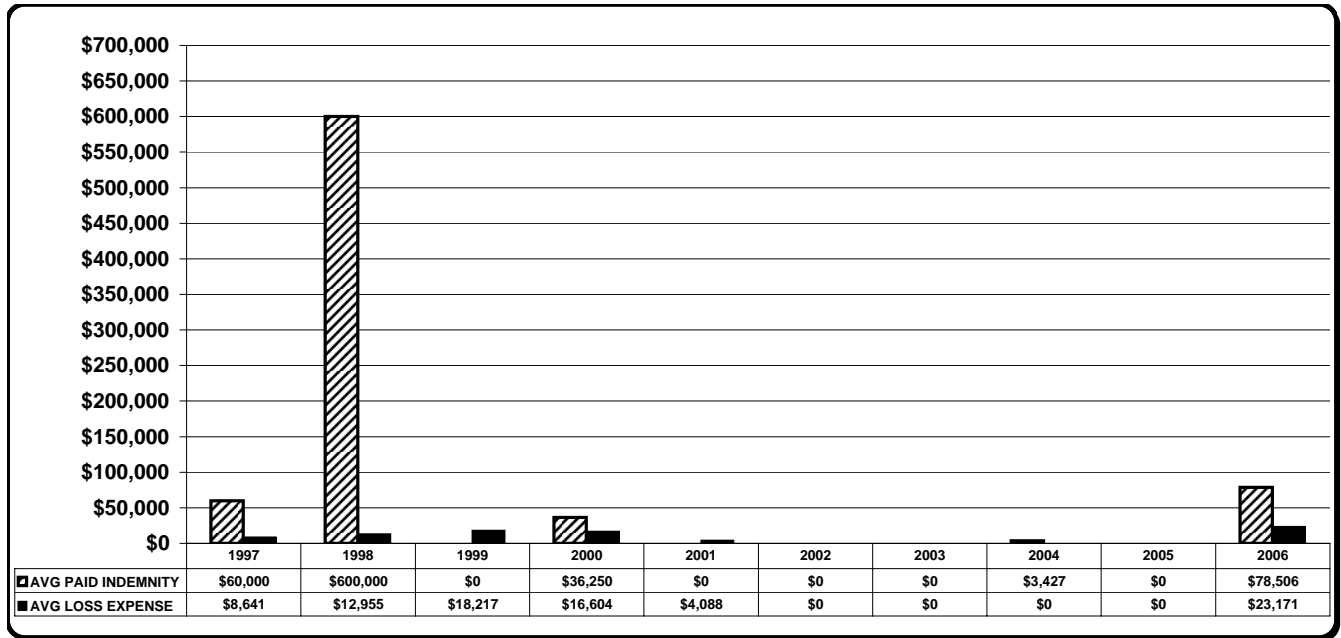


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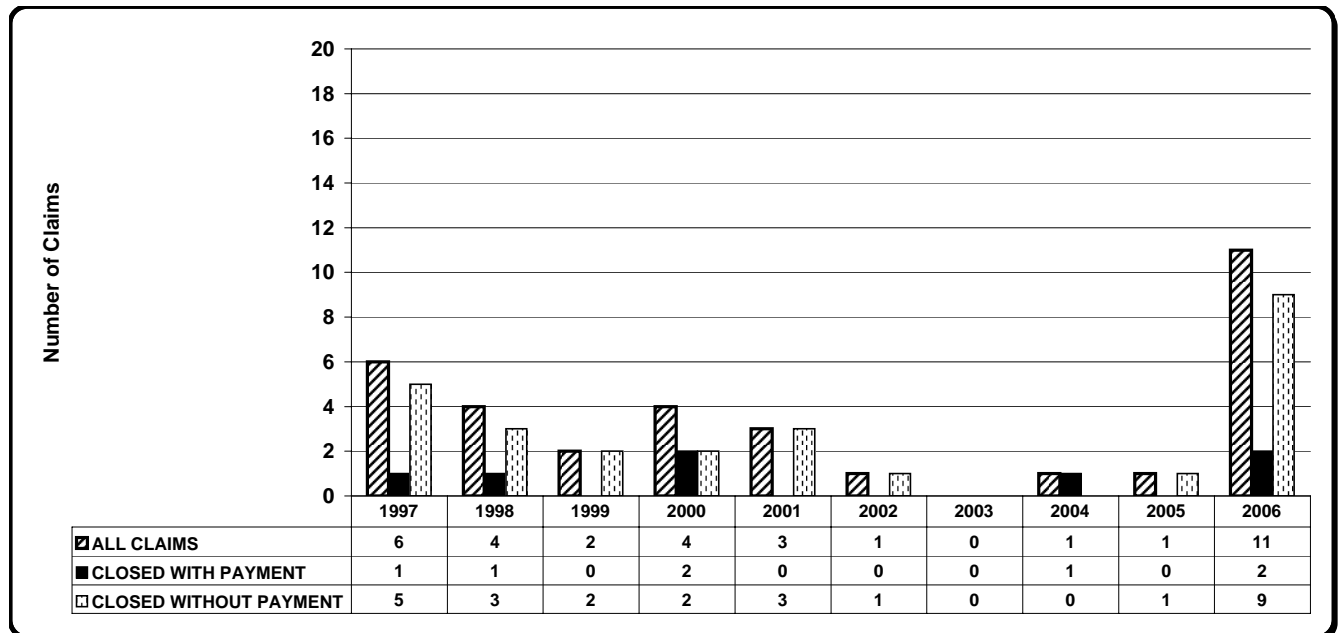


## LABOR LAW

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

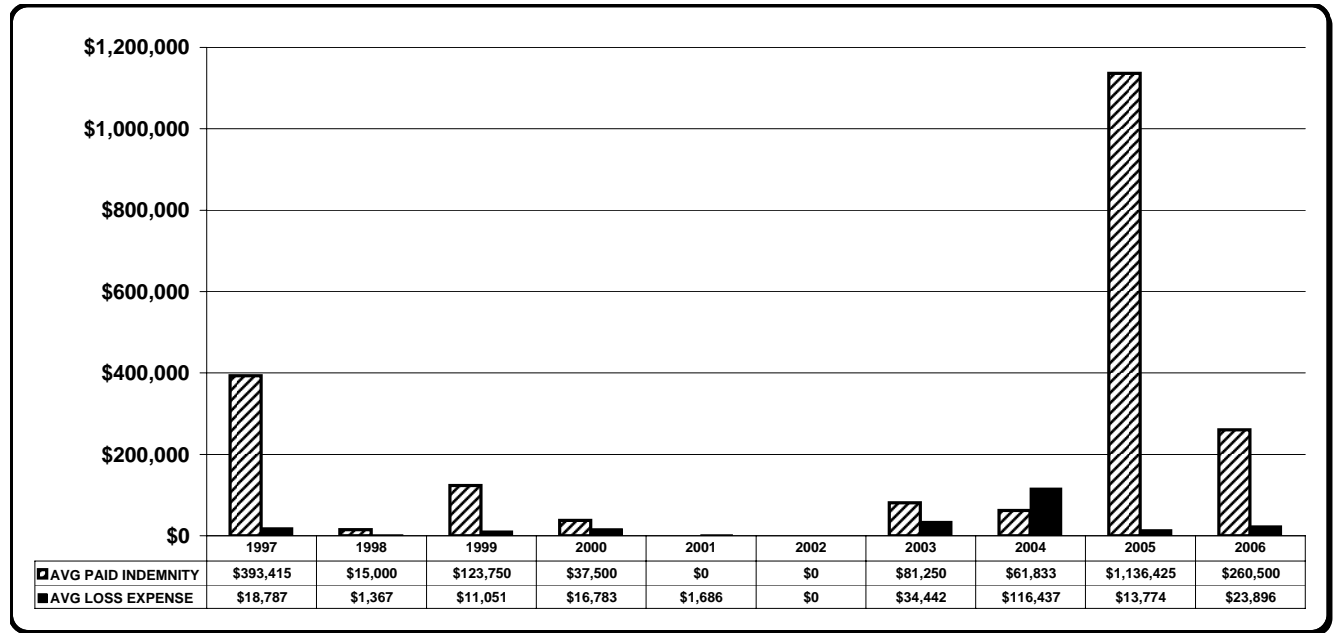


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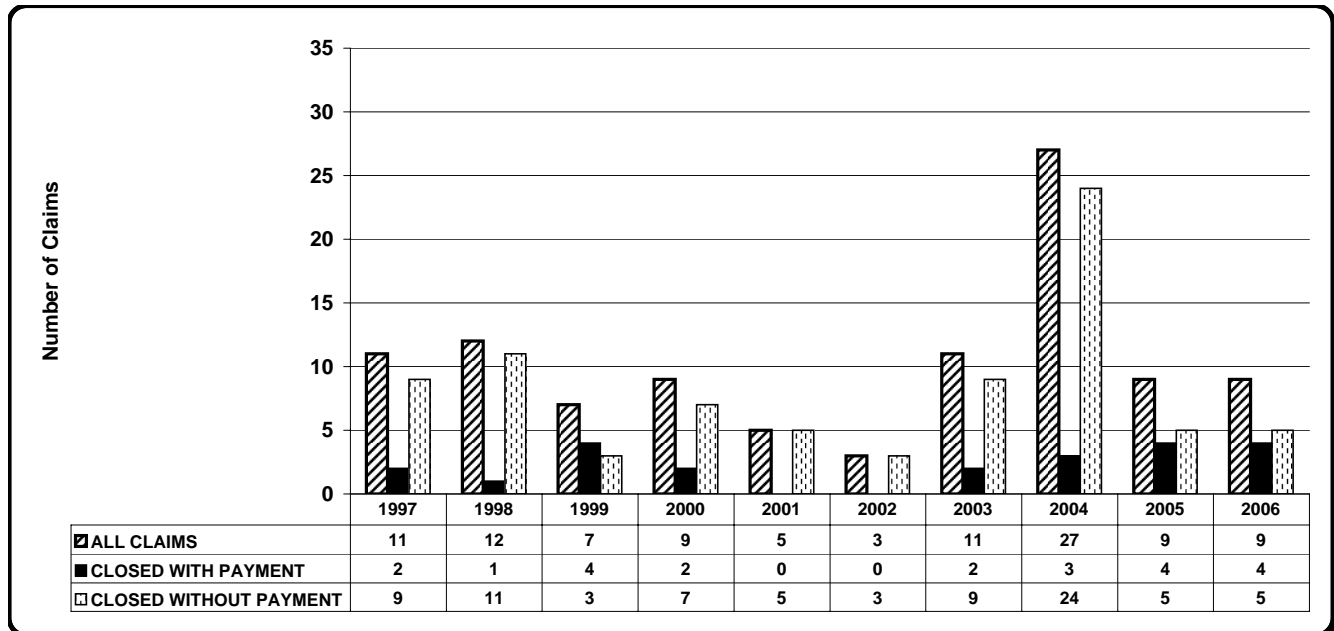


## PERSONAL INJURY/PROPERTY DAMAGE - DEFENDANT

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

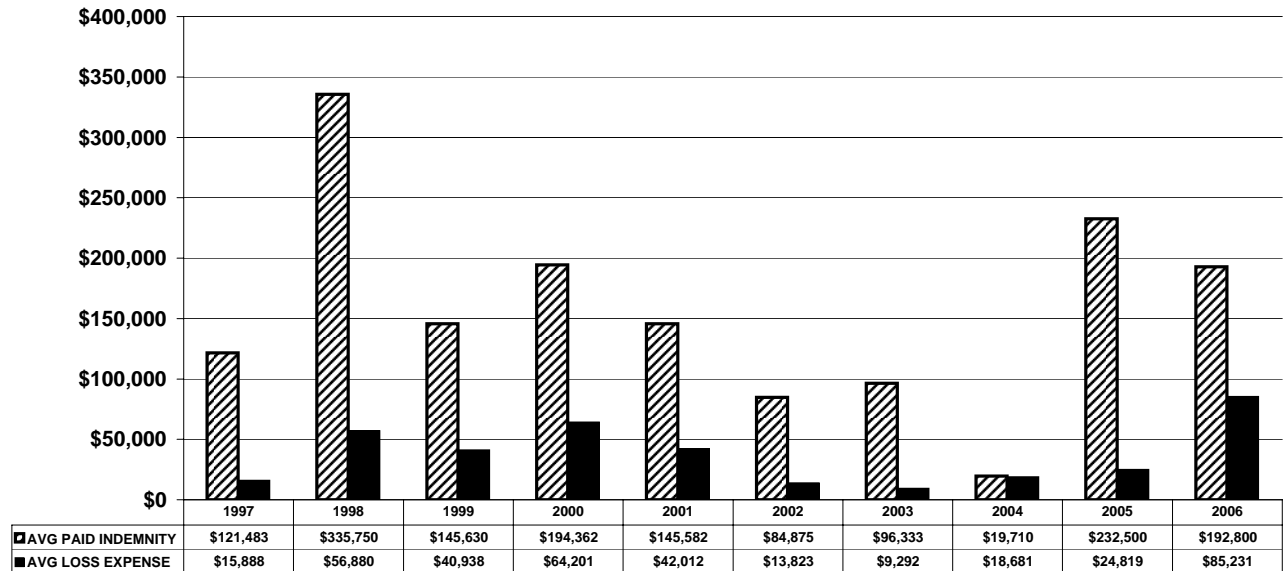


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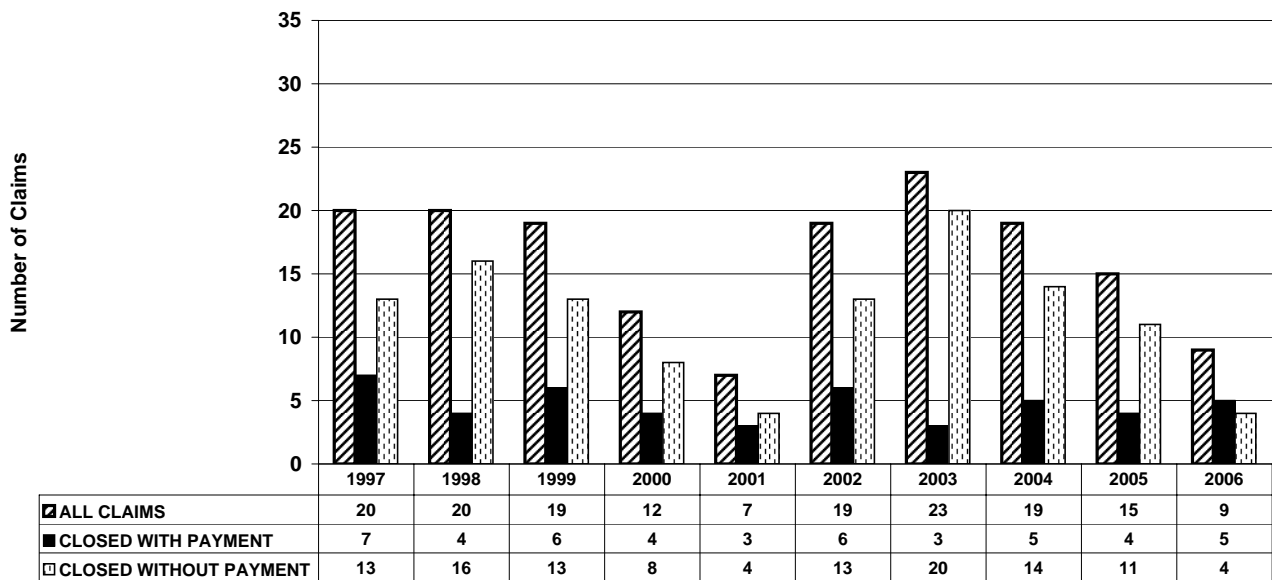


## BUSINESS TRANSACTIONS/COMMERCIAL LAW

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

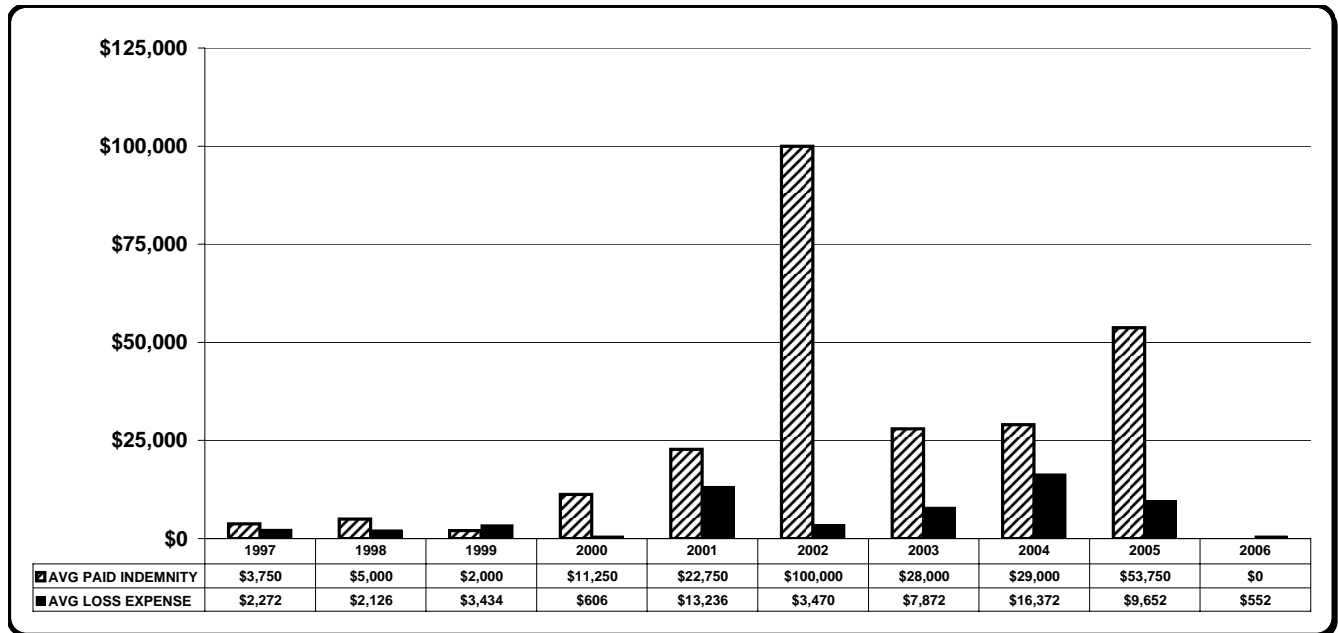


### CLAIM COUNT

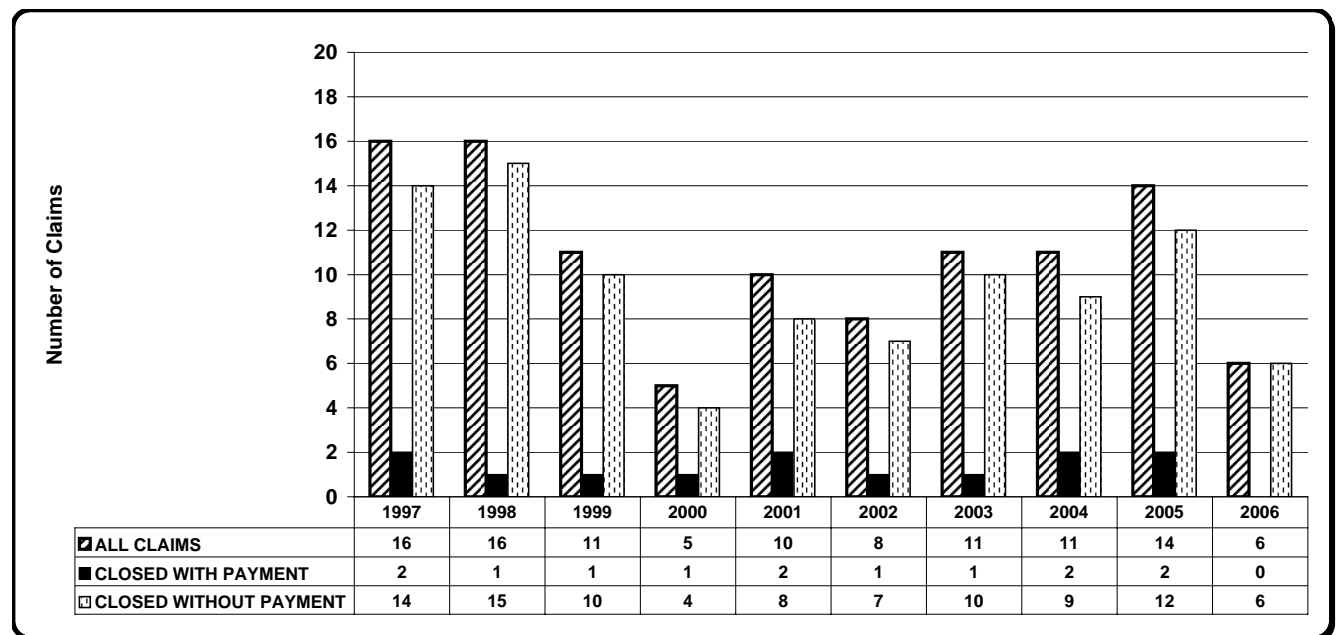


## CRIMINAL

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



### CLAIM COUNT



**TEN YEAR SUMMARY  
&  
2006 SUMMARY  
BY  
MAJOR ACTIVITY**

# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS FOR YEARS 1997 – 2006

MAJOR ACTIVITY CODE	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
COMMENCEMENT OF ACTION OR PROCEEDING	685	236	34.01%	\$82,688	\$19,514,284	29.73%	\$6,827
OTHER	328	64	9.22%	\$80,707	\$5,165,219	7.87%	\$13,680
PREPARATION, TRANSMITTAL OR FILING	315	92	13.26%	\$73,215	\$6,735,786	10.26%	\$14,366
SETTLEMENT AND NEGOTIATION	293	66	9.51%	\$63,681	\$4,202,952	6.40%	\$10,832
PRE-TRIAL, PRE-HEARING	244	77	11.10%	\$52,533	\$4,045,029	6.16%	\$9,293
CONSULTATION OR ADVICE	194	48	6.92%	\$395,487	\$18,983,379	28.93%	\$57,901
TRIAL OR HEARING	156	25	3.60%	\$104,563	\$2,614,068	3.98%	\$17,597
INVESTIGATION, OTHER THAN LITIGATION	122	32	4.61%	\$56,625	\$1,812,012	2.76%	\$9,000
EXPARTE PROCEEDINGS	89	26	3.75%	\$31,361	\$815,384	1.24%	\$13,049
POST TRIAL OR HEARING	66	10	1.44%	\$19,909	\$199,086	0.30%	\$5,377
APPEAL ACTIVITIES	65	13	1.87%	\$50,306	\$653,976	1.00%	\$7,430
REFERRAL TO ANOTHER PROFESSIONAL	15	1	0.14%	\$465,000	\$465,000	0.71%	\$10,090
TAX REPORTING OR PAYMENT	15	2	0.29%	\$203,750	\$407,500	0.62%	\$38,615
OTHER WRITTEN OPINION	10	0	0.00%	N/A	\$0	0.00%	\$8,754
TITLE OPINION	5	2	0.29%	\$7,713	\$15,425	0.02%	\$9,570
TOTAL	2,602	694	100.00%	\$94,566	\$65,629,101	100.00%	\$14,247

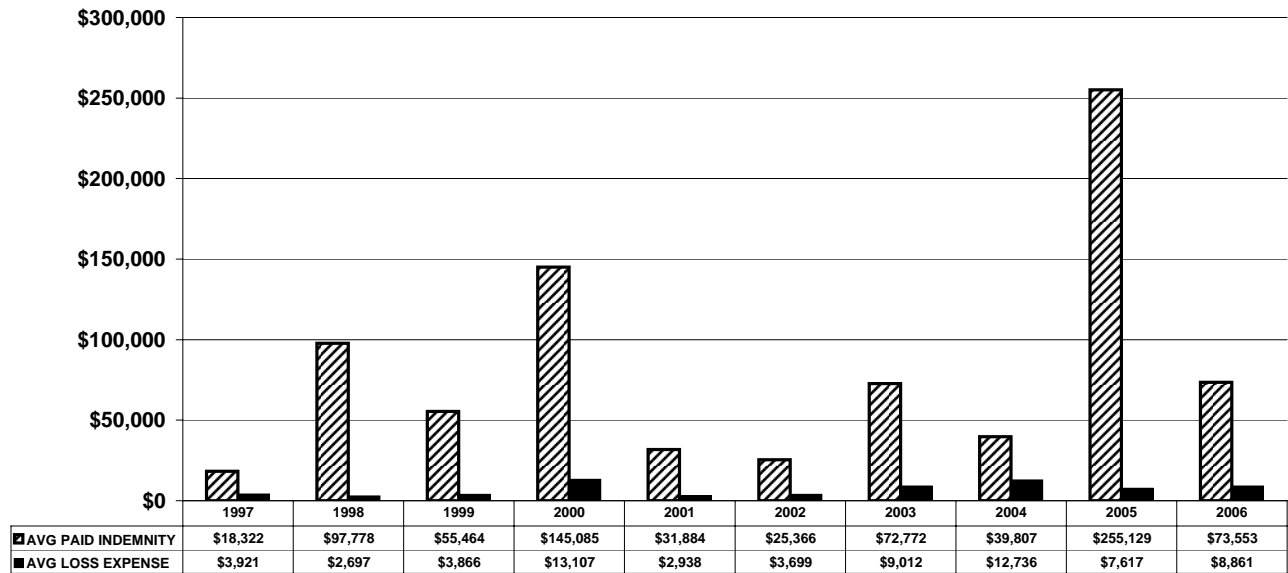
# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS CLAIMS CLOSED IN 2006

MAJOR ACTIVITY CODE	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
COMMENCEMENT OF ACTION OR PROCEEDING	72	24	32.88%	\$73,553	\$1,765,265	25.87%	\$8,861
PREPARATION, TRANSMITTAL OR FILING	26	8	10.96%	\$83,969	\$671,750	9.85%	\$33,328
SETTLEMENT AND NEGOTIATION	26	7	9.59%	\$79,975	\$559,828	8.21%	\$18,362
CONSULTATION OR ADVICE	25	10	13.70%	\$113,182	\$1,131,818	16.59%	\$21,800
INVESTIGATION, OTHER THAN LITIGATION	22	5	6.85%	\$187,900	\$939,500	13.77%	\$24,448
TRIAL OR HEARING	21	2	2.74%	\$241,719	\$483,438	7.09%	\$35,287
PRE-TRIAL, PRE-HEARING	20	5	6.85%	\$71,800	\$359,000	5.26%	\$9,859
OTHER	18	3	4.11%	\$116,500	\$349,500	5.12%	\$31,006
POST TRIAL OR HEARING	12	2	2.74%	\$40,025	\$80,050	1.17%	\$10,785
APPEAL ACTIVITIES	10	5	6.85%	\$72,382	\$361,908	5.30%	\$30,072
EXPARTE PROCEEDINGS	5	2	2.74%	\$60,370	\$120,740	1.77%	\$74,268
REFERRAL TO ANOTHER PROFESSIONAL	1	0	0.00%	N/A	\$0	0.00%	\$9,176
TOTAL	258	73	100.00%	\$93,463	\$6,822,797	100.00%	\$20,821

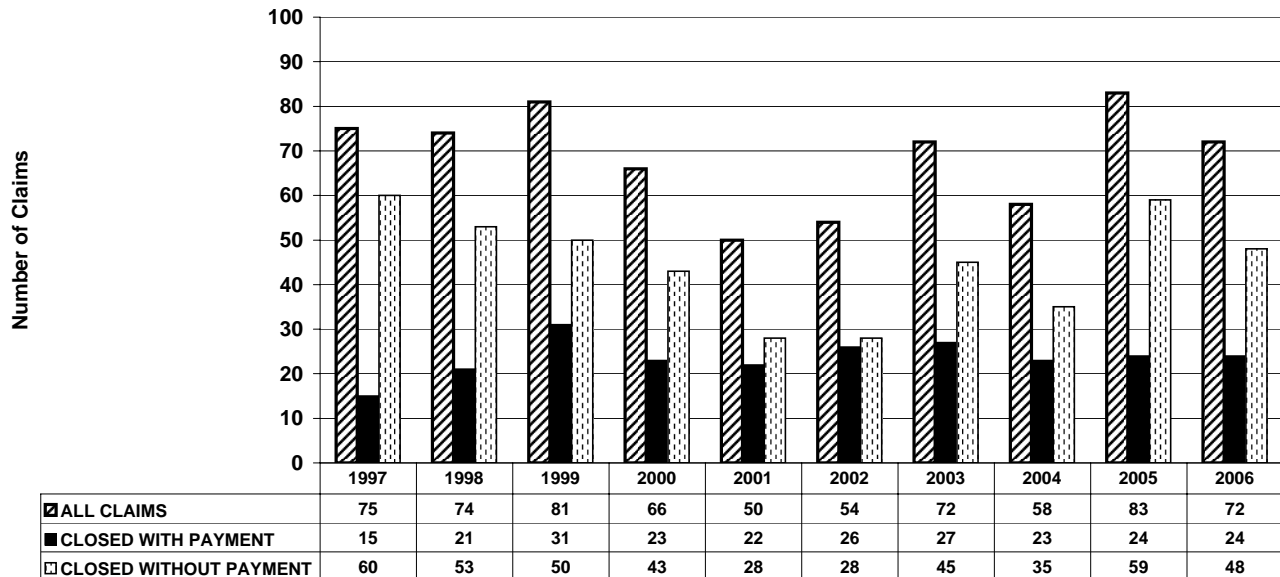
**TRENDS  
OF THE TOP TEN  
MAJOR ACTIVITY  
OF 2006**

## COMMENCEMENT OF ACTION OR PROCEEDING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

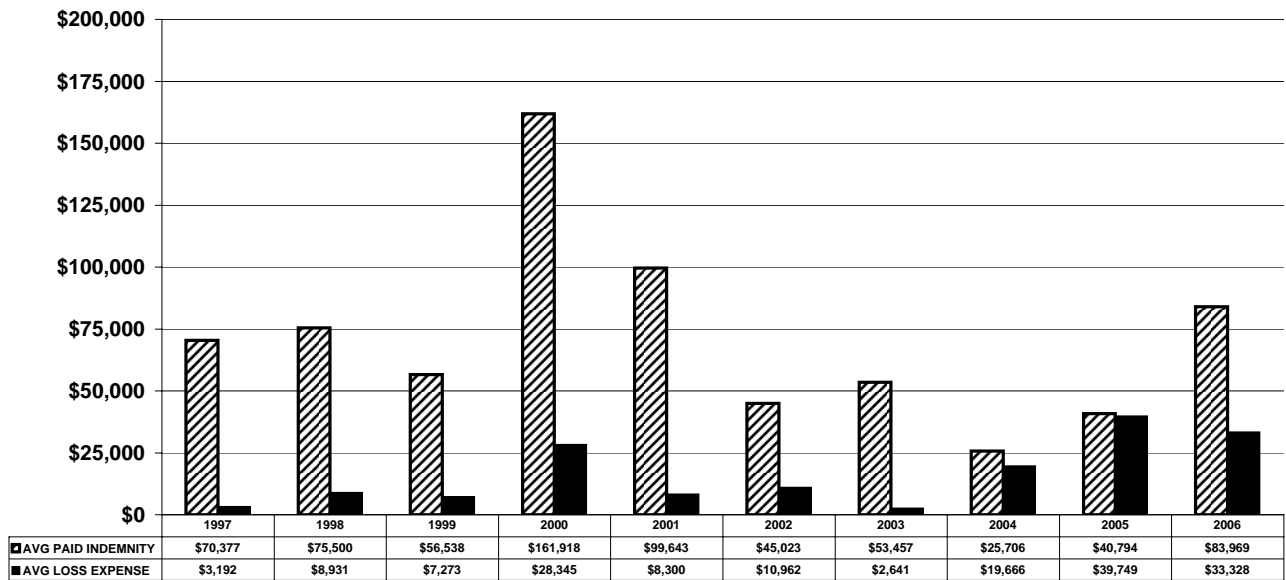


### CLAIM COUNT

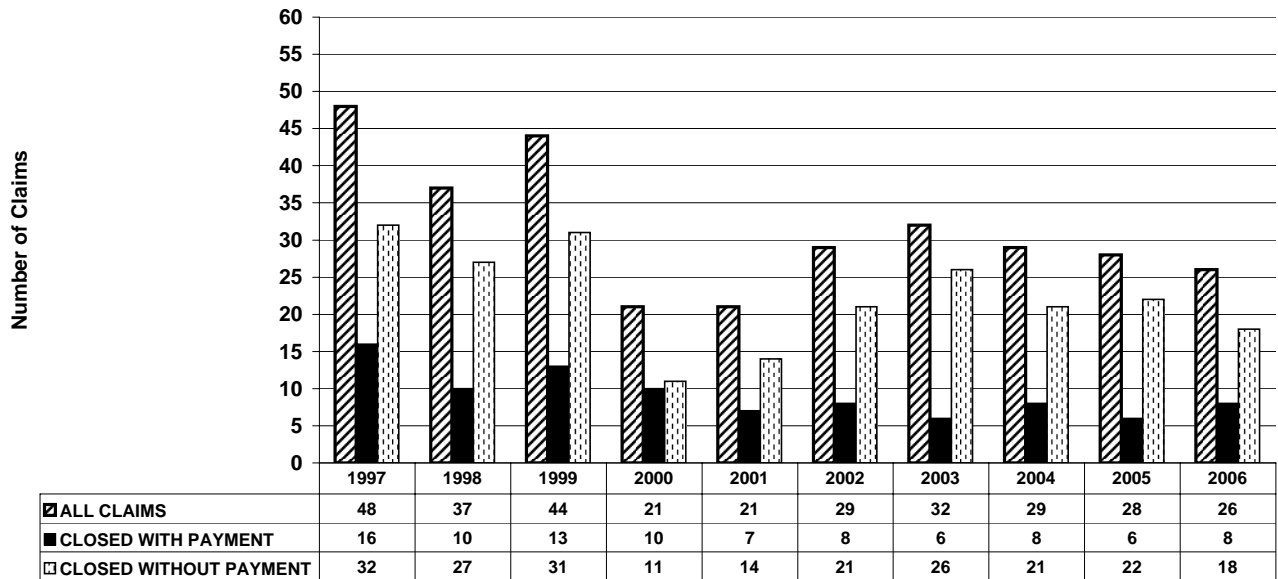


## PREPARATION, TRANSMITTAL OR FILING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

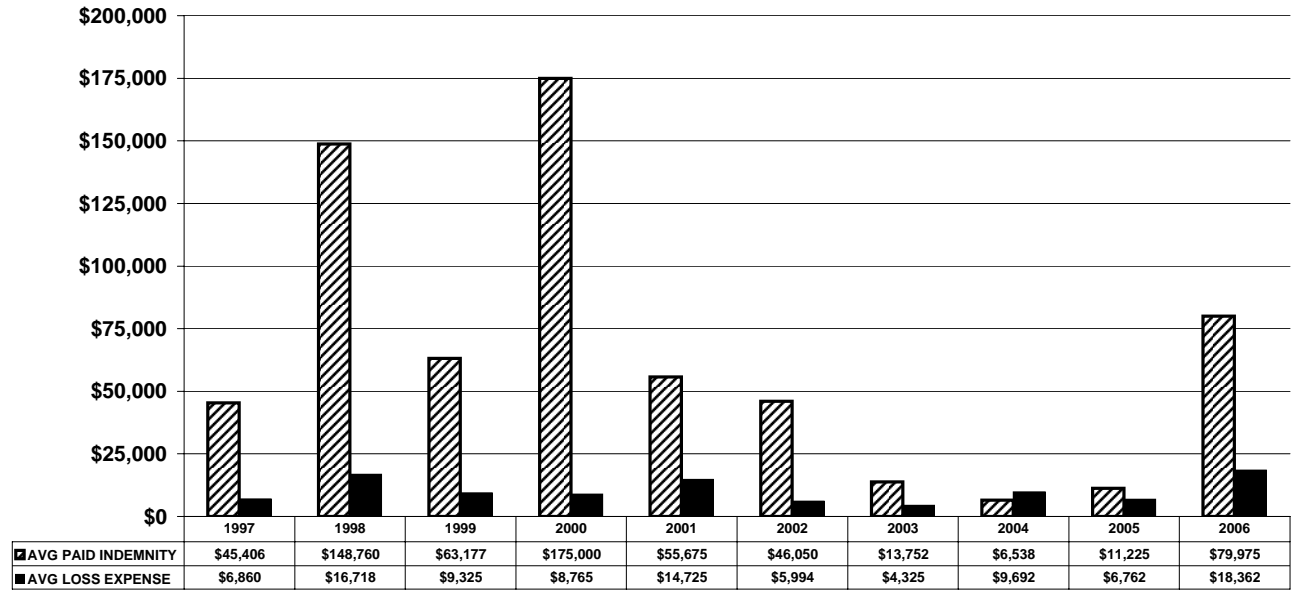


### CLAIM COUNT

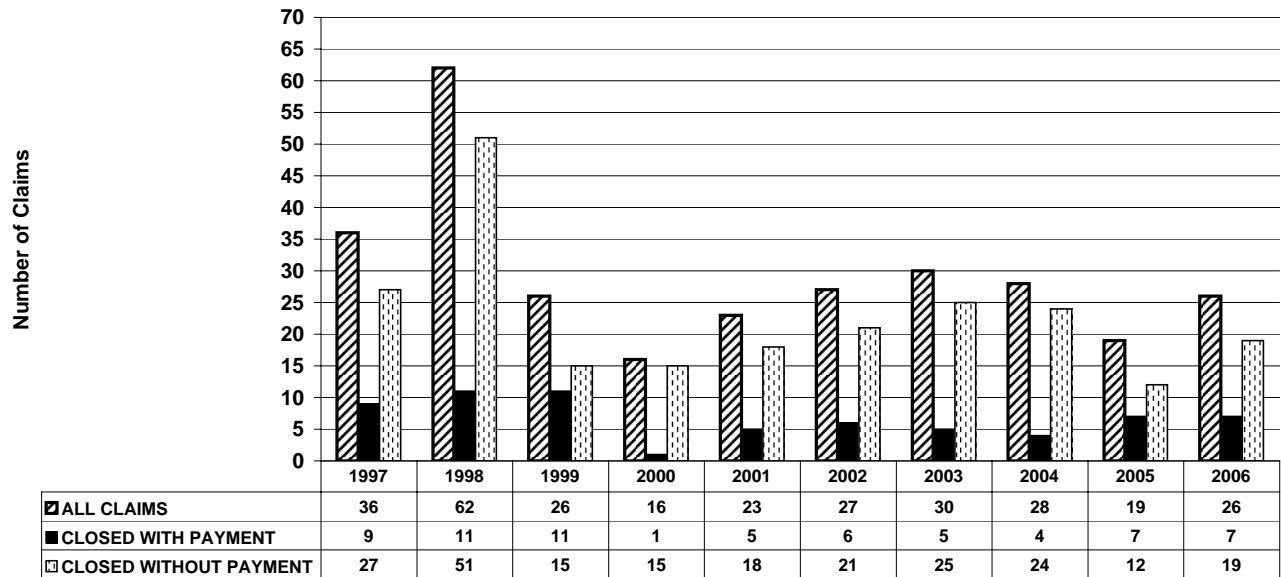


## SETTLEMENT AND NEGOTIATION

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

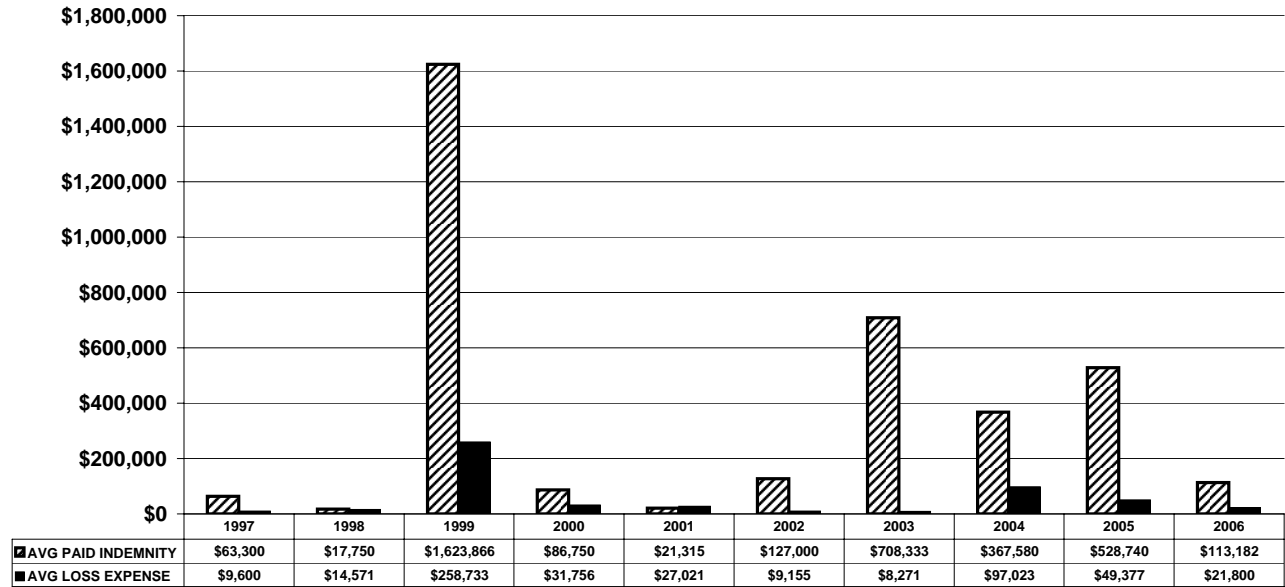


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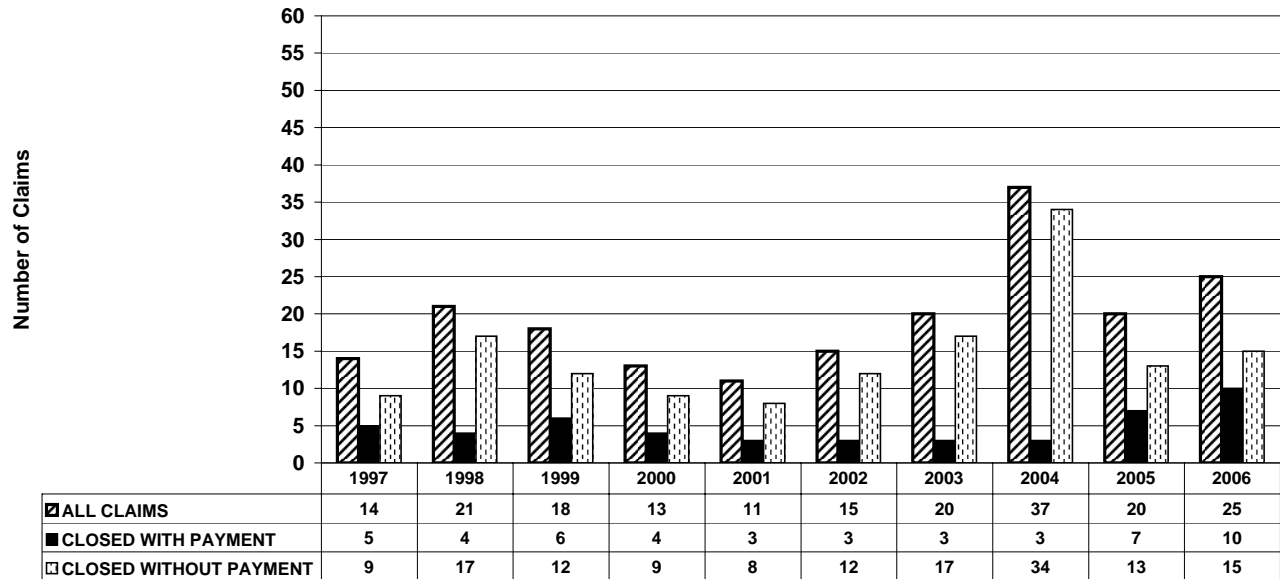


## CONSULTATION OR ADVICE

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

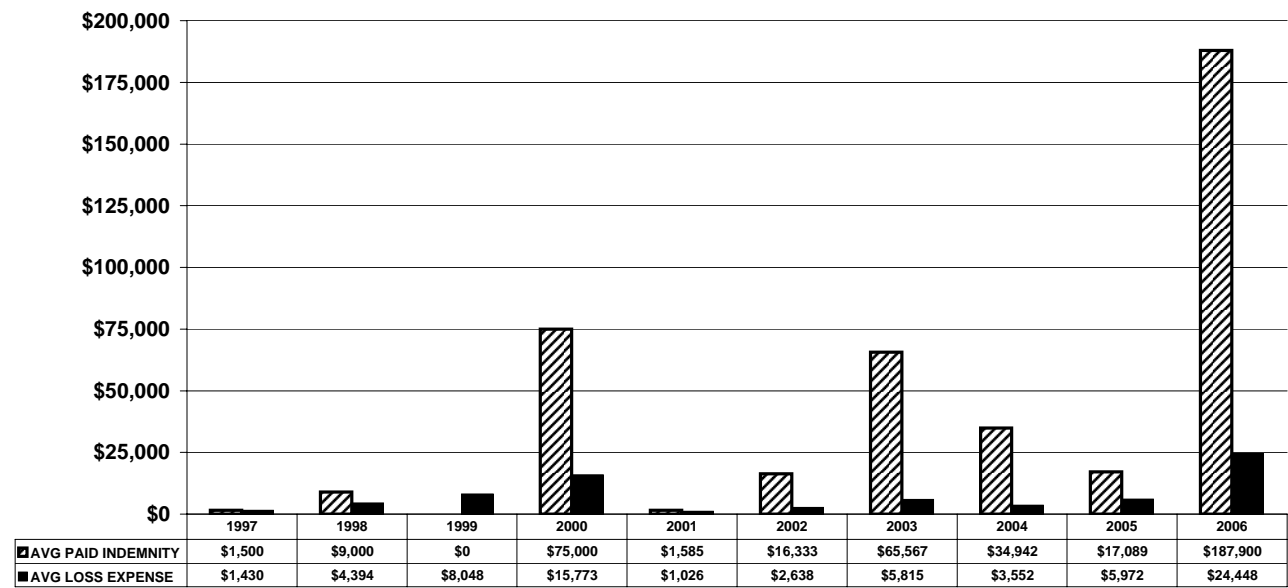


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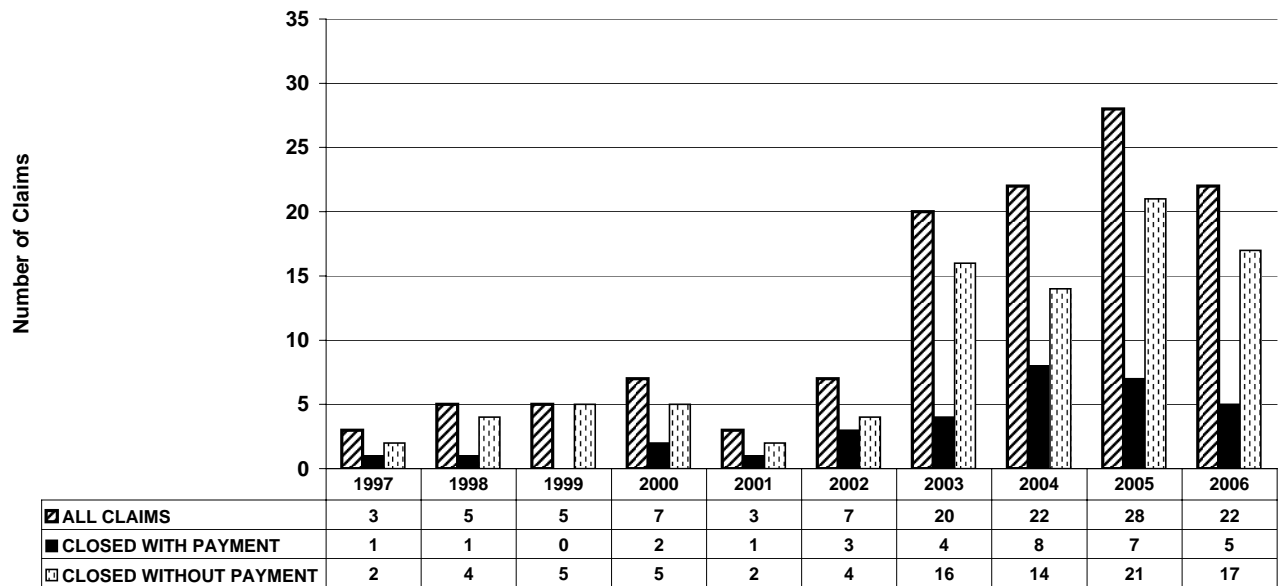


## INVESTIGATION, OTHER THAN LITIGATION

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

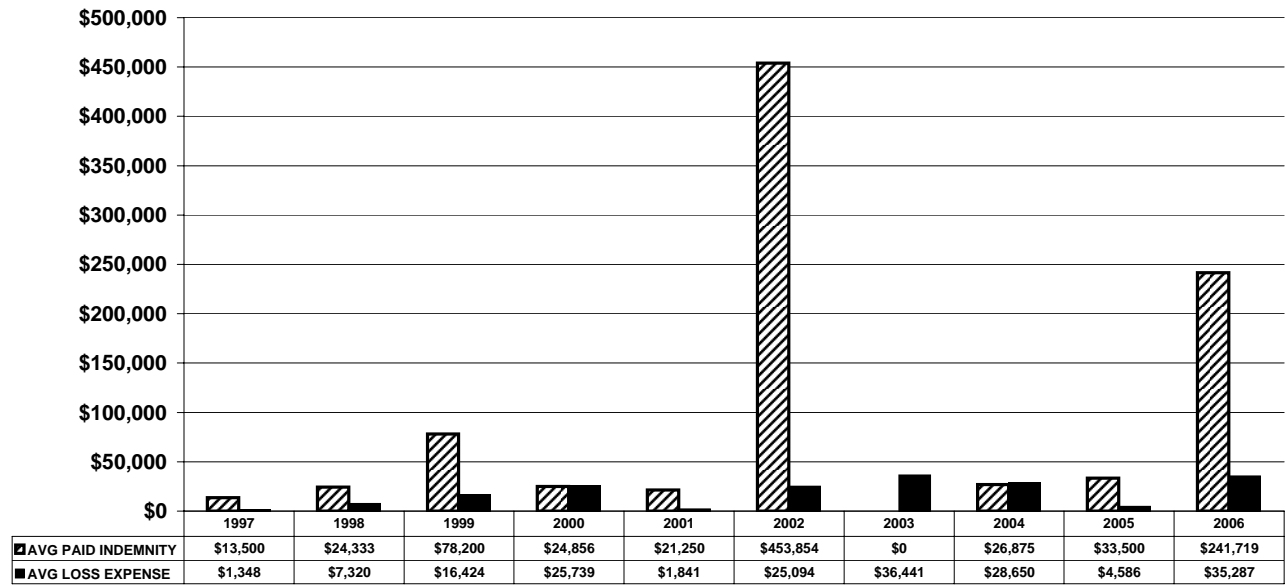


### CLAIM COUNT

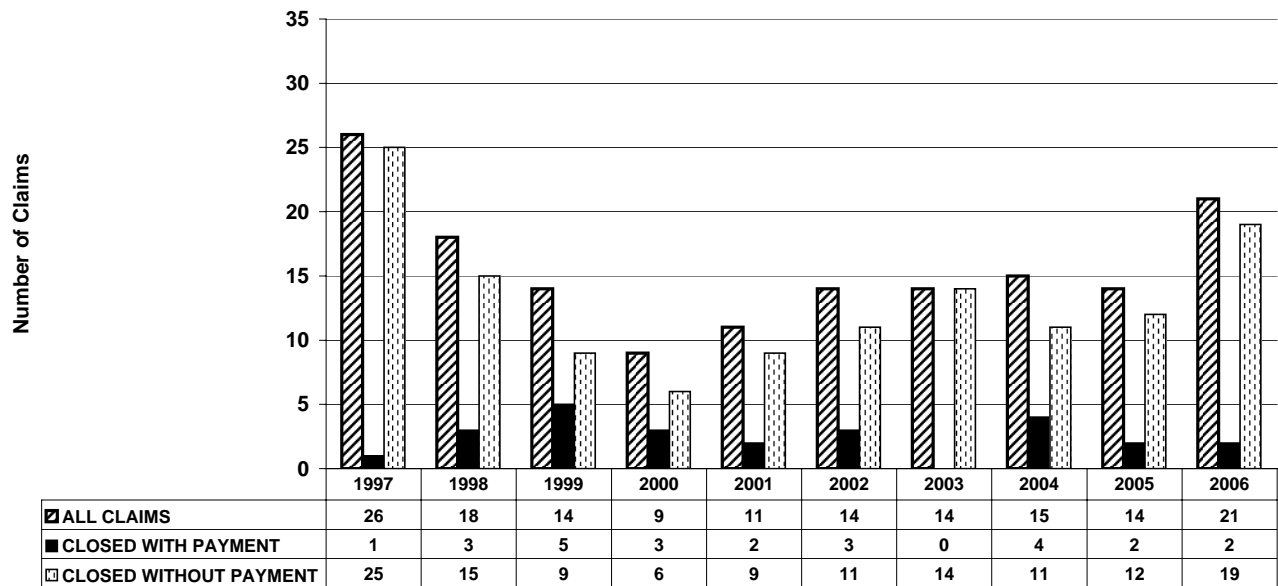


## TRIAL OR HEARING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

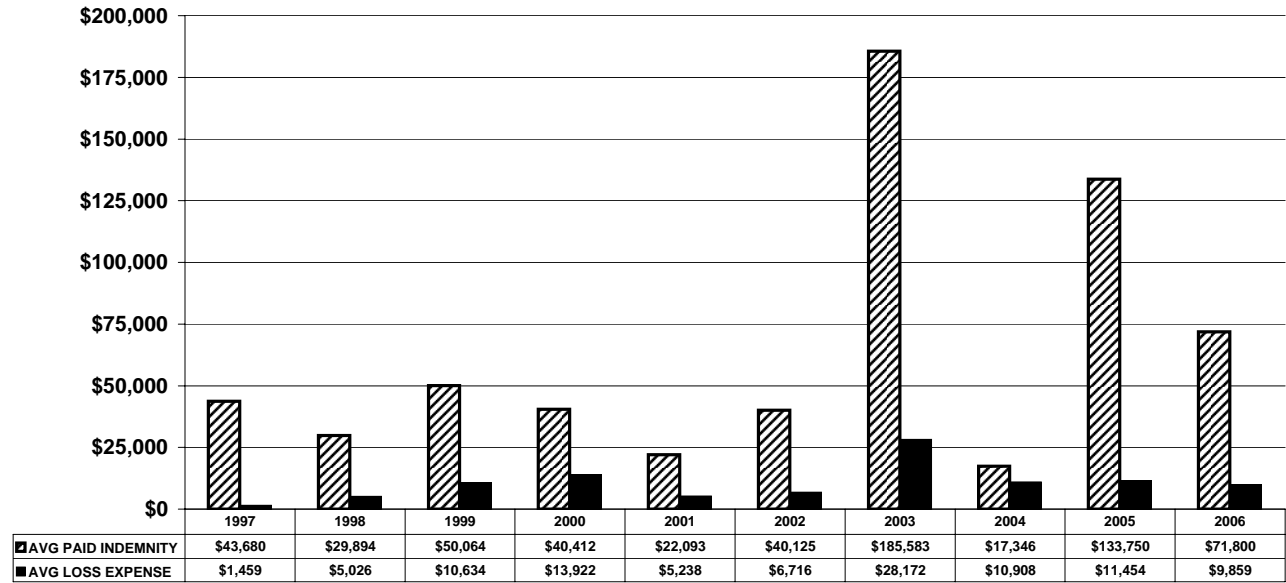


## CLAIM COUNT

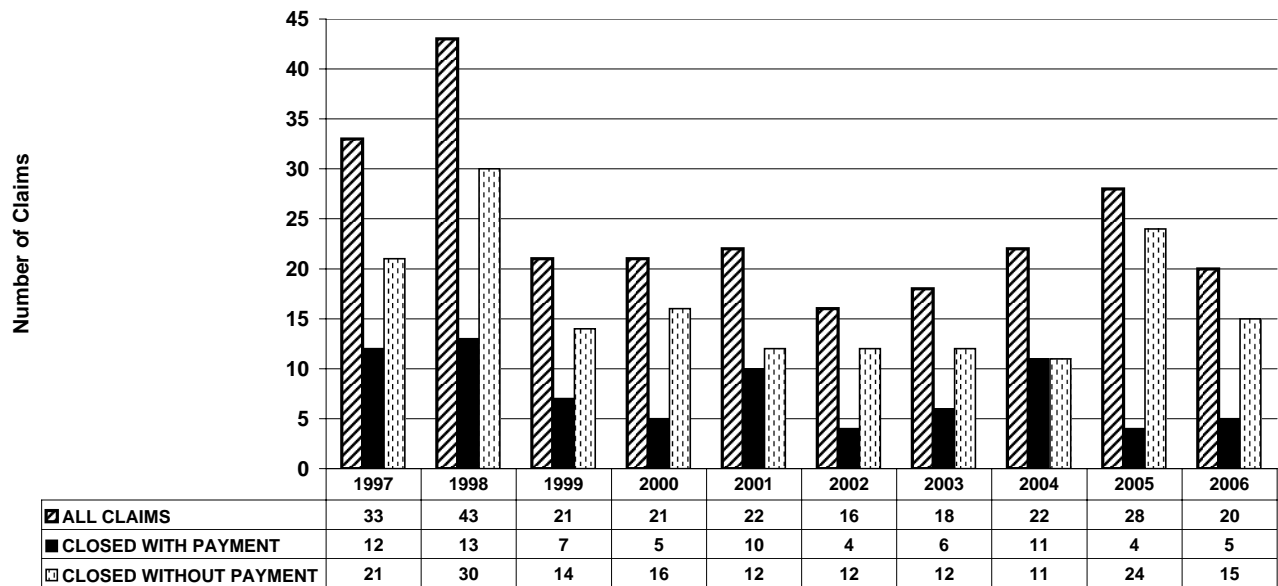


## PRE-TRIAL, PRE-HEARING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

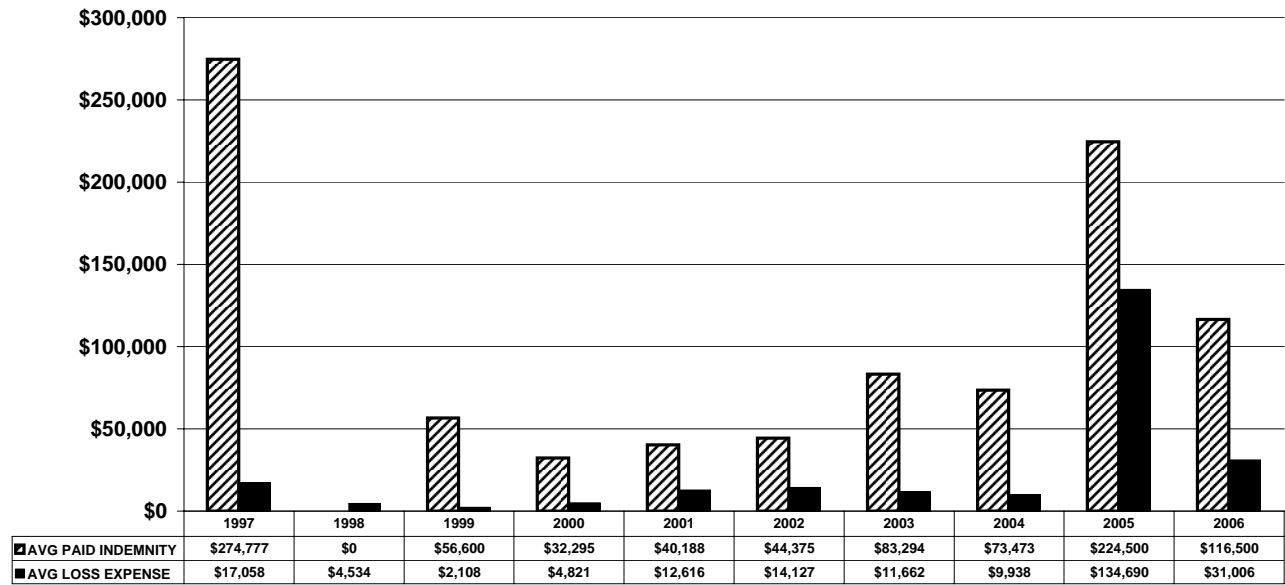


### CLAIM COUNT

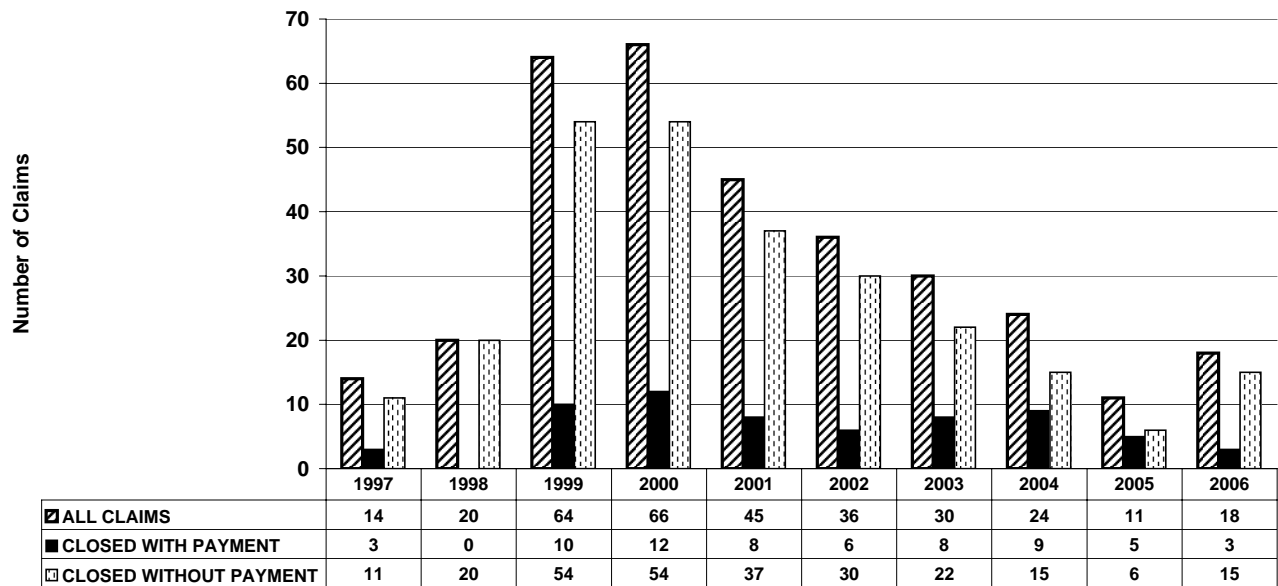


## OTHER

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

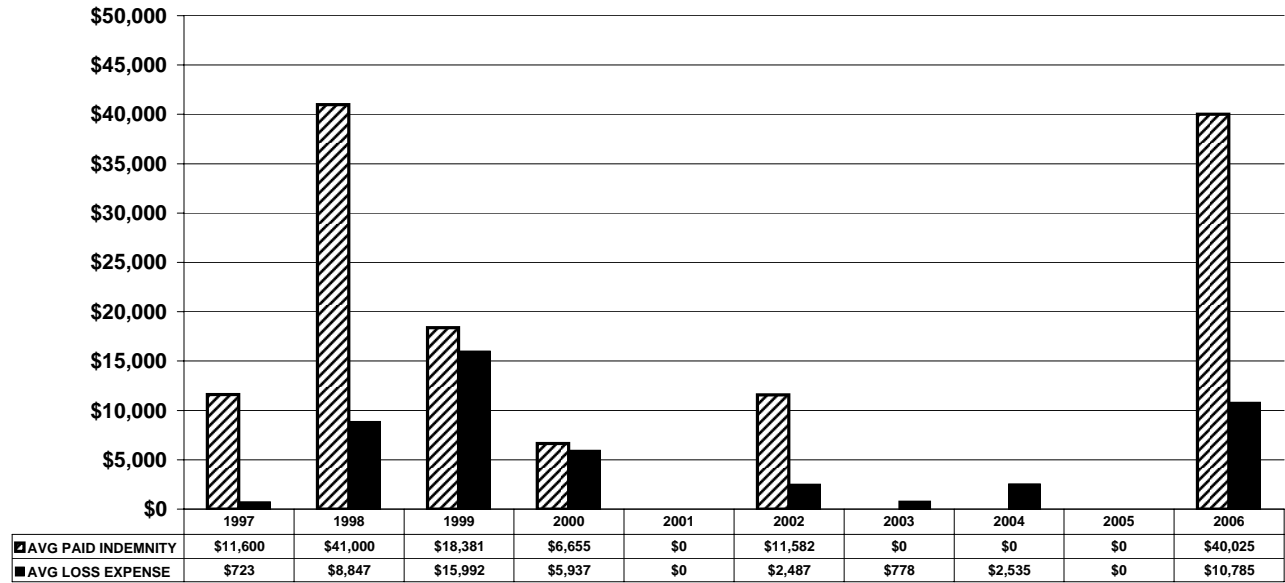


### CLAIM COUNT

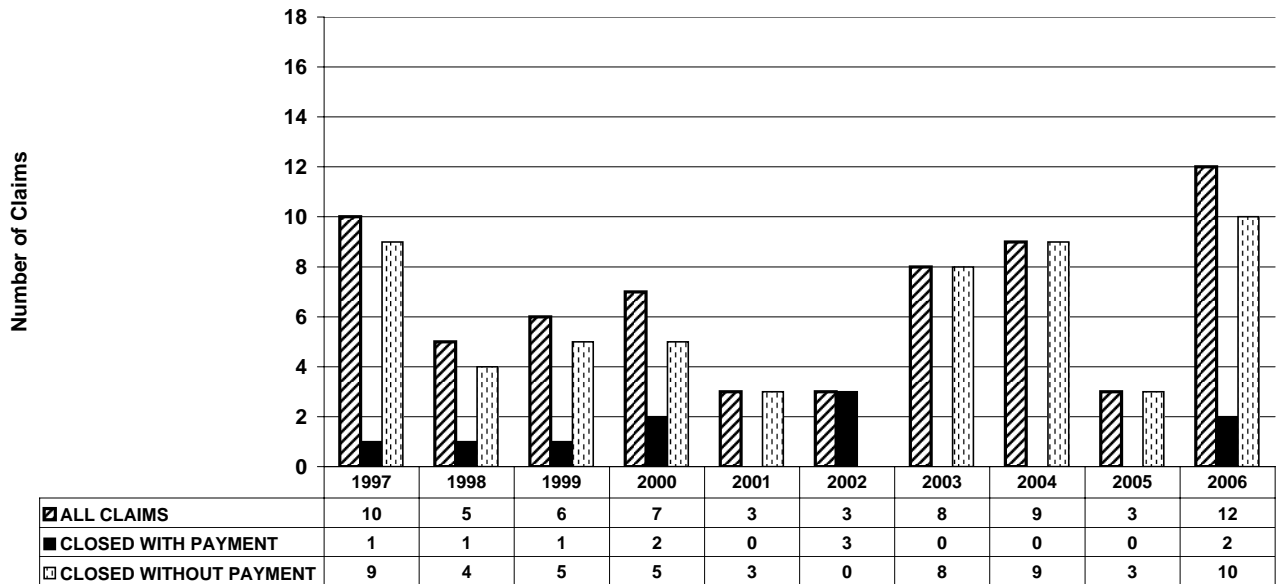


## POST TRIAL OR HEARING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

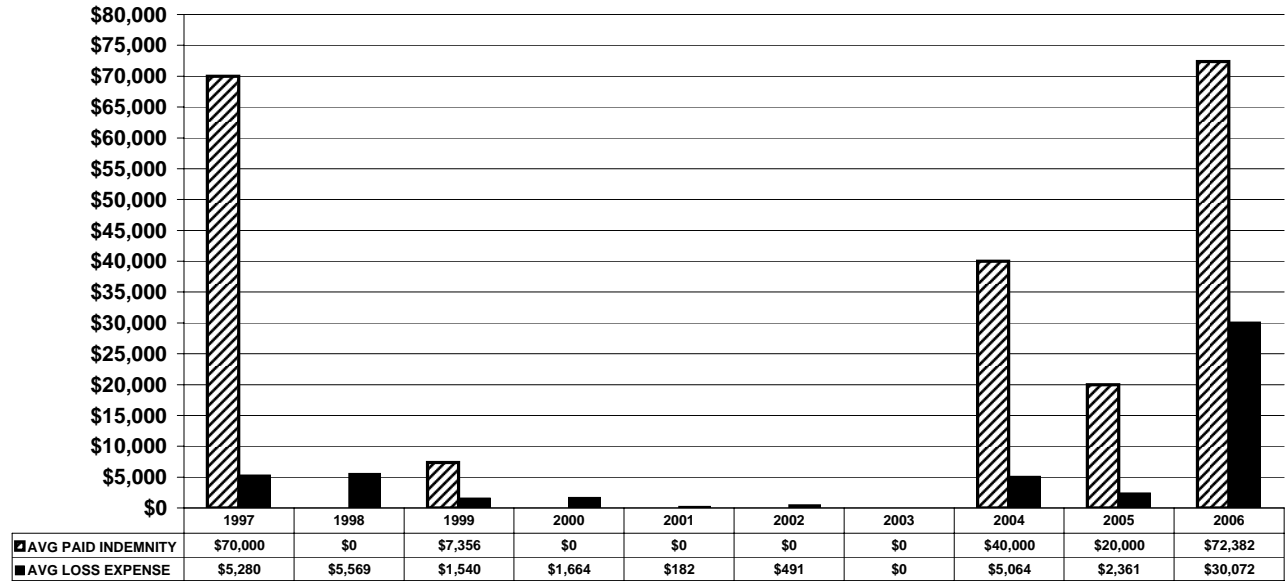


### CLAIM COUNT

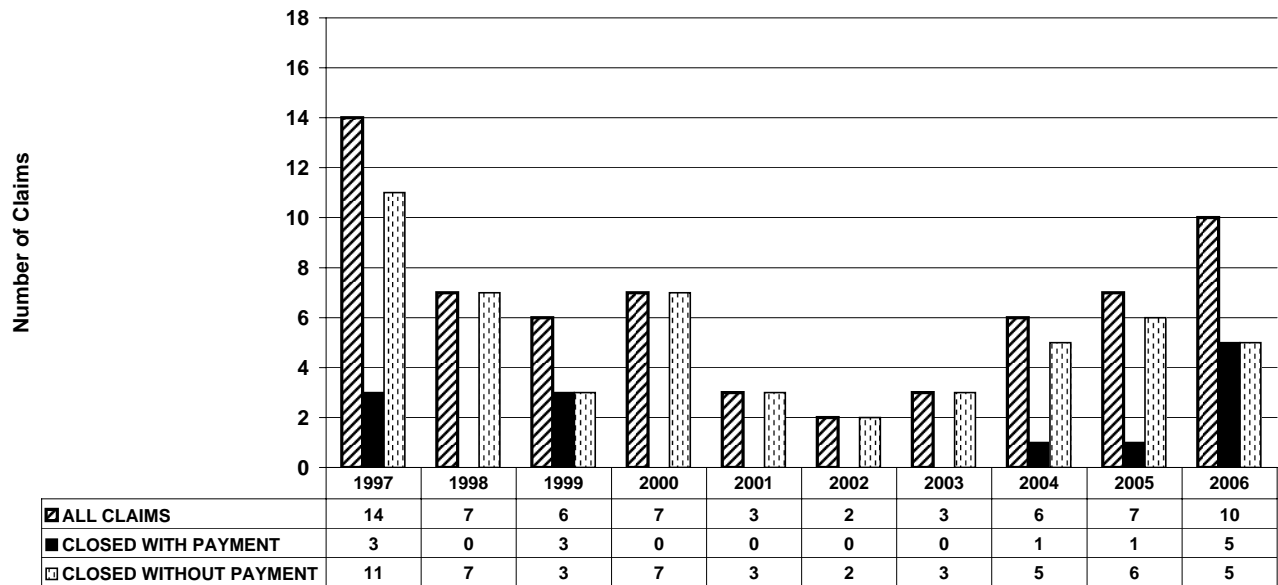


## APPEAL ACTIVITIES

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



### CLAIM COUNT



**TEN YEAR SUMMARY  
&  
2006 SUMMARY  
BY  
ALLEGED ERRORS OR OMISSIONS**

# LEGAL MALPRACTICE INSURANCE

## INDEMNITY ANALYSIS

### FOR YEARS 1997 – 2006

ERROR OR OMISSION	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
FAIL TO ASCERTAIN DEADLINE CORRECTLY	489	203	29.25%	\$51,731	\$10,501,421	16.00%	\$8,309
PROCRASTINATION OR LACK OF FOLLOW-UP	299	65	9.37%	\$114,664	\$7,453,175	11.36%	\$8,555
PLANNING OR STRATEGY ERROR	266	66	9.51%	\$148,267	\$9,785,621	14.91%	\$21,239
OTHER	181	36	5.19%	\$51,896	\$1,868,264	2.85%	\$11,766
FAIL TO KNOW OR PROPERLY APPLY THE LAW	176	46	6.63%	\$194,554	\$8,949,500	13.64%	\$19,465
MALICIOUS PROSECUTION OR ABUSE OF PROCESS	150	15	2.16%	\$17,692	\$265,381	0.40%	\$6,824
FAIL TO FOLLOW CLIENTS INSTRUCTIONS	143	35	5.04%	\$86,407	\$3,024,254	4.61%	\$9,917
INADEQUATE INVESTIGATION	128	29	4.18%	\$88,182	\$2,557,287	3.90%	\$14,916
CONFLICT OF INTEREST	115	27	3.89%	\$81,680	\$2,205,370	3.36%	\$18,654
FAIL TO OBTAIN CLIENTS CONSENT	97	20	2.88%	\$100,665	\$2,013,295	3.07%	\$40,119
FRAUD	93	17	2.45%	\$558,317	\$9,491,382	14.46%	\$60,192
FAILURE TO REACT TO CALENDAR	72	32	4.61%	\$43,927	\$1,405,677	2.14%	\$3,853
FAILURE TO CALENDAR PROPERLY	63	30	4.32%	\$77,508	\$2,325,237	3.54%	\$3,508
VIOLATION OF CIVIL RIGHTS	62	5	0.72%	\$112,600	\$563,000	0.86%	\$6,539
CLERICAL ERROR	61	23	3.31%	\$25,528	\$587,146	0.89%	\$3,030
FAIL TO FILE DOCUMENTS WITH NO DEADLINE	59	18	2.59%	\$69,936	\$1,258,847	1.92%	\$21,787
IMPROPER WITHDRAWAL FROM REPRESENTATION	39	10	1.44%	\$33,221	\$332,210	0.51%	\$4,807
FAIL TO ANTICIPATE TAX CONSEQUENCES	29	8	1.15%	\$89,698	\$717,586	1.09%	\$14,532
LIBEL OR SLANDER	29	1	0.14%	\$21,300	\$21,300	0.03%	\$3,236
ERROR IN MATHEMATICAL CALCULATION	25	4	0.58%	\$57,811	\$231,244	0.35%	\$5,852
ERROR IN PUBLIC RECORD SEARCH	16	2	0.29%	\$31,252	\$62,503	0.10%	\$1,401
LOST FILE, DOCUMENT OR EVIDENCE	10	2	0.29%	\$4,700	\$9,400	0.01%	\$1,343
TOTAL	2,602	694	100.00%	\$94,566	\$65,629,101	100.00%	\$14,247

# LEGAL MALPRACTICE INSURANCE

## INDEMNITY ANALYSIS

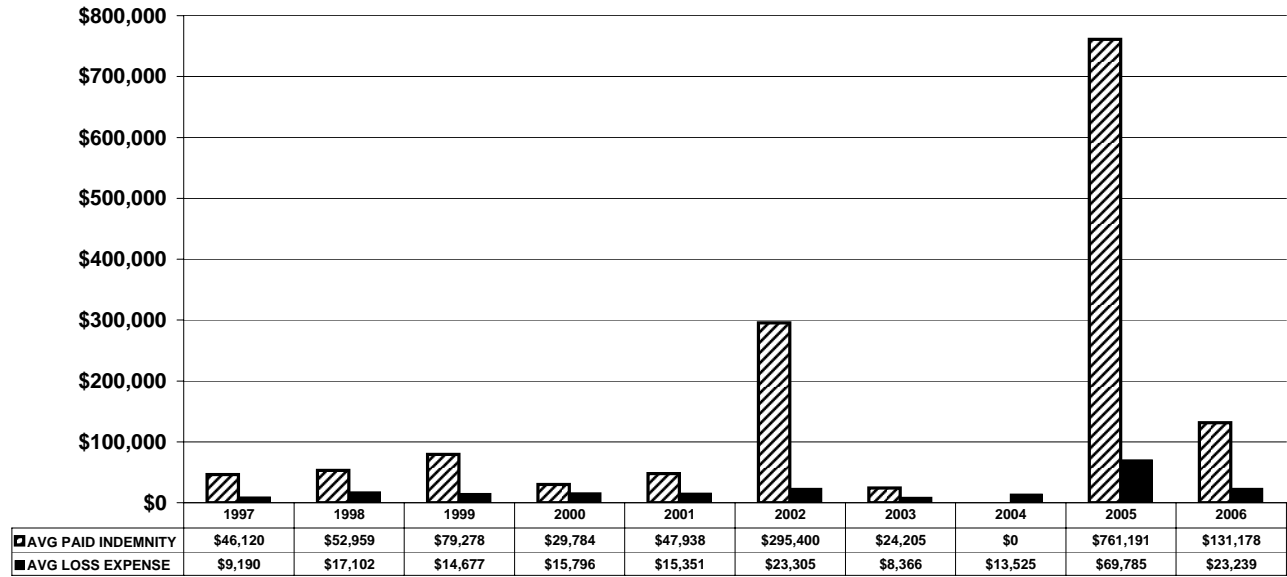
### CLAIMS CLOSED IN 2006

ERROR OR OMISSION	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
PLANNING OR STRATEGY ERROR	40	11	15.07%	\$131,178	\$1,442,957	21.15%	\$23,239
OTHER	36	5	6.85%	\$58,400	\$292,000	4.28%	\$10,361
FAIL TO ASCERTAIN DEADLINE CORRECTLY	28	11	15.07%	\$92,223	\$1,014,450	14.87%	\$21,873
PROCRASTINATION OR LACK OF FOLLOW-UP	23	5	6.85%	\$10,693	\$53,465	0.78%	\$20,560
FAIL TO KNOW OR PROPERLY APPLY THE LAW	22	8	10.96%	\$28,748	\$229,982	3.37%	\$13,371
FAIL TO FOLLOW CLIENTS INSTRUCTIONS	14	3	4.11%	\$113,747	\$341,240	5.00%	\$21,401
FAILURE TO REACT TO CALENDAR	12	4	5.48%	\$59,003	\$236,010	3.46%	\$3,370
INADEQUATE INVESTIGATION	12	3	4.11%	\$386,667	\$1,160,000	17.00%	\$61,531
FAIL TO FILE DOCUMENTS WITH NO DEADLINE	10	3	4.11%	\$92,083	\$276,250	4.05%	\$61,581
FAILURE TO CALENDAR PROPERLY	10	8	10.96%	\$99,200	\$793,603	11.63%	\$387
MALICIOUS PROSECUTION OR ABUSE OF PROCESS	8	0	0.00%	N/A	\$0	0.00%	\$10,385
CLERICAL ERROR	7	2	2.74%	\$20,000	\$40,000	0.59%	\$114
CONFLICT OF INTEREST	7	3	4.11%	\$200,684	\$602,052	8.82%	\$42,229
FAIL TO OBTAIN CLIENTS CONSENT	5	2	2.74%	\$31,539	\$63,078	0.92%	\$24,840
FRAUD	5	2	2.74%	\$20,750	\$41,500	0.61%	\$54,229
IMPROPER WITHDRAWAL FROM REPRESENTATION	5	2	2.74%	\$103,105	\$206,210	3.02%	\$17,523
VIOLATION OF CIVIL RIGHTS	5	0	0.00%	N/A	\$0	0.00%	\$13,661
ERROR IN MATHEMATICAL CALCULATION	3	1	1.37%	\$30,000	\$30,000	0.44%	\$20,147
ERROR IN PUBLIC RECORD SEARCH	2	0	0.00%	N/A	\$0	0.00%	\$0
FAIL TO ANTICIPATE TAX CONSEQUENCES	2	0	0.00%	N/A	\$0	0.00%	\$213
LIBEL OR SLANDER	2	0	0.00%	N/A	\$0	0.00%	\$0
TOTAL	258	73	100.00%	\$93,463	\$6,822,797	100.00%	\$20,821

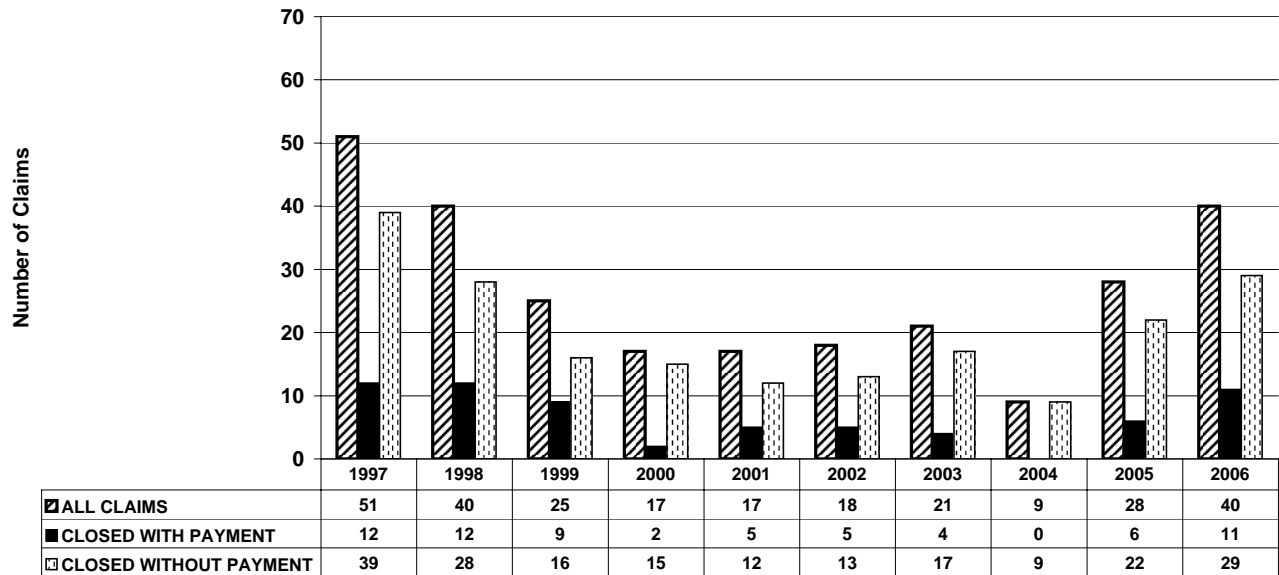
**TRENDS  
OF THE TOP TEN  
ERRORS OR OMISSIONS  
OF 2006**

## PLANNING OR STRATEGY ERROR

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

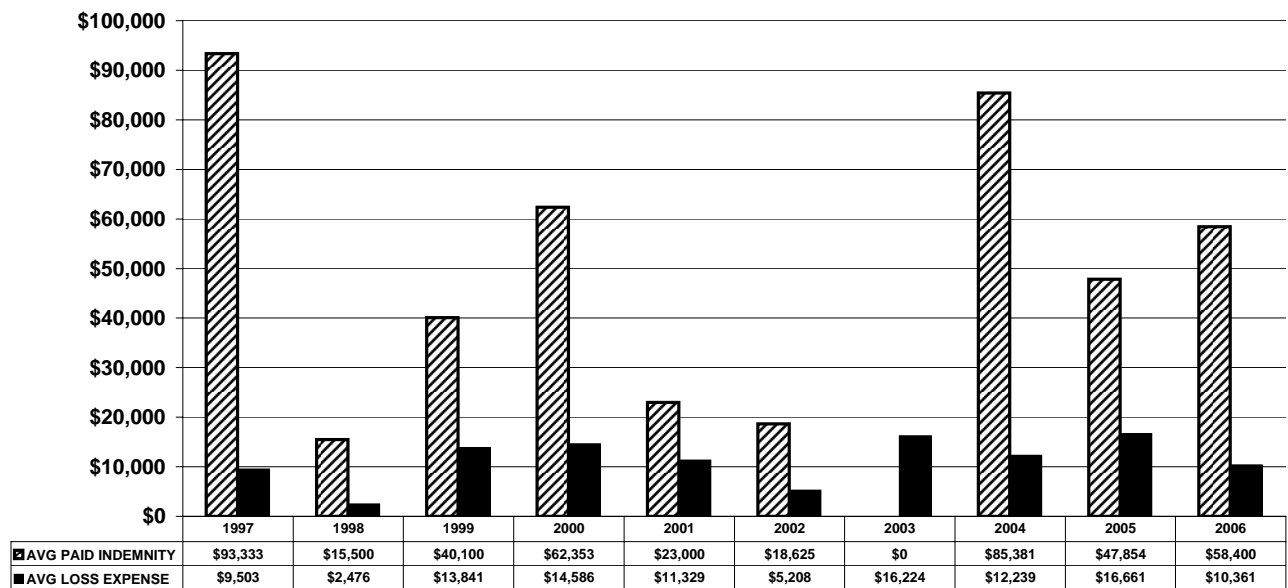


### CLAIM COUNT

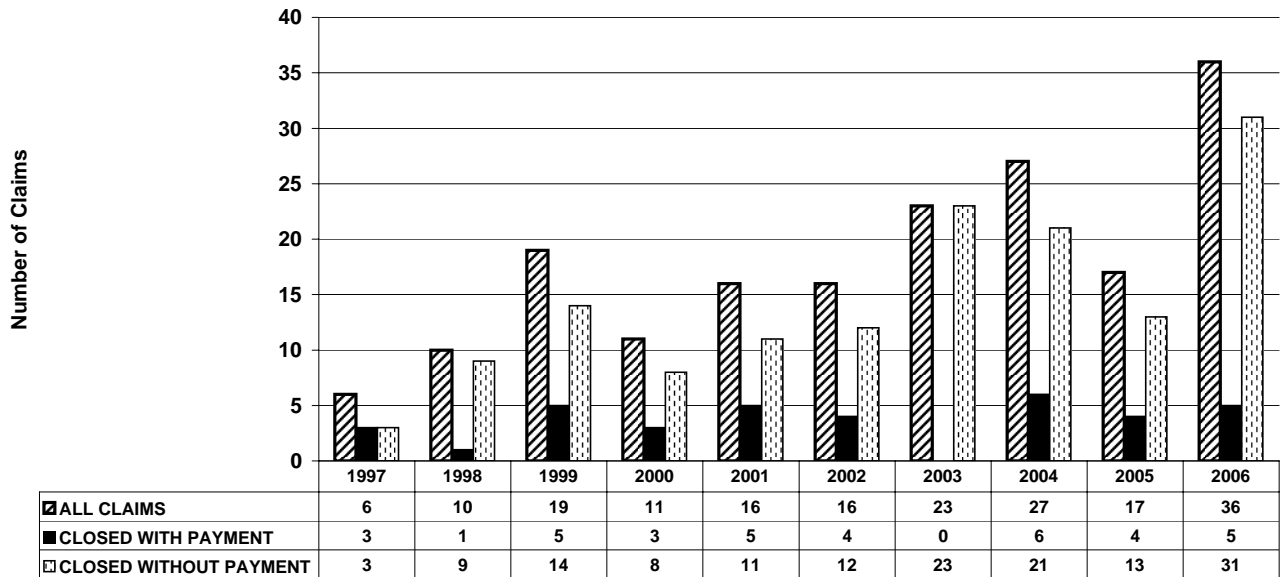


## OTHER

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

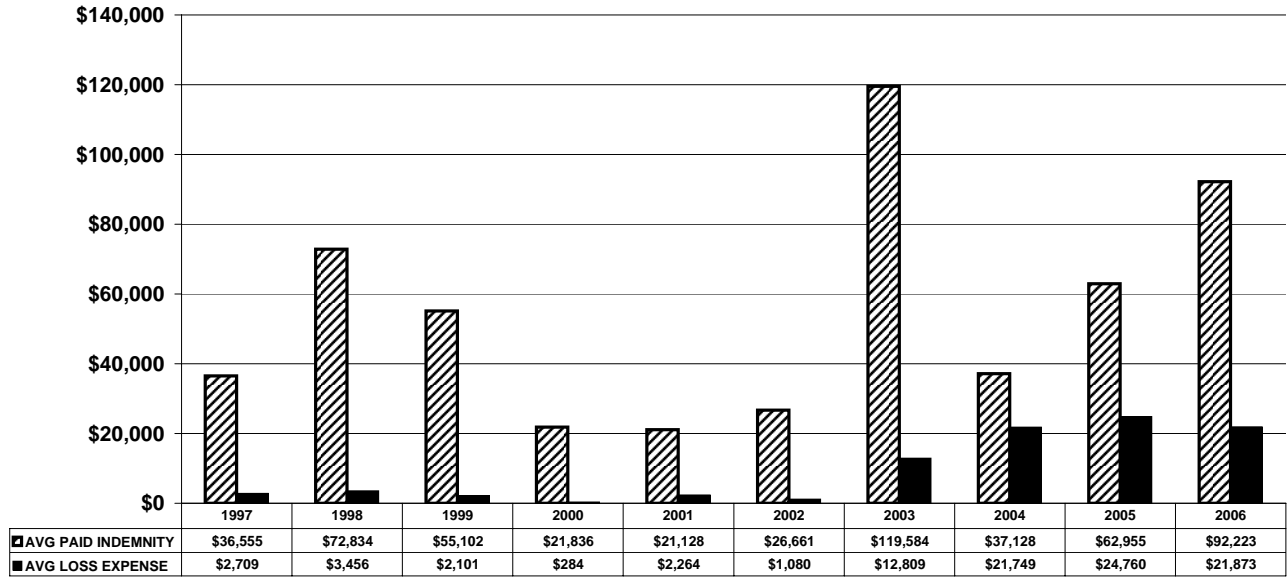


### CLAIM COUNT

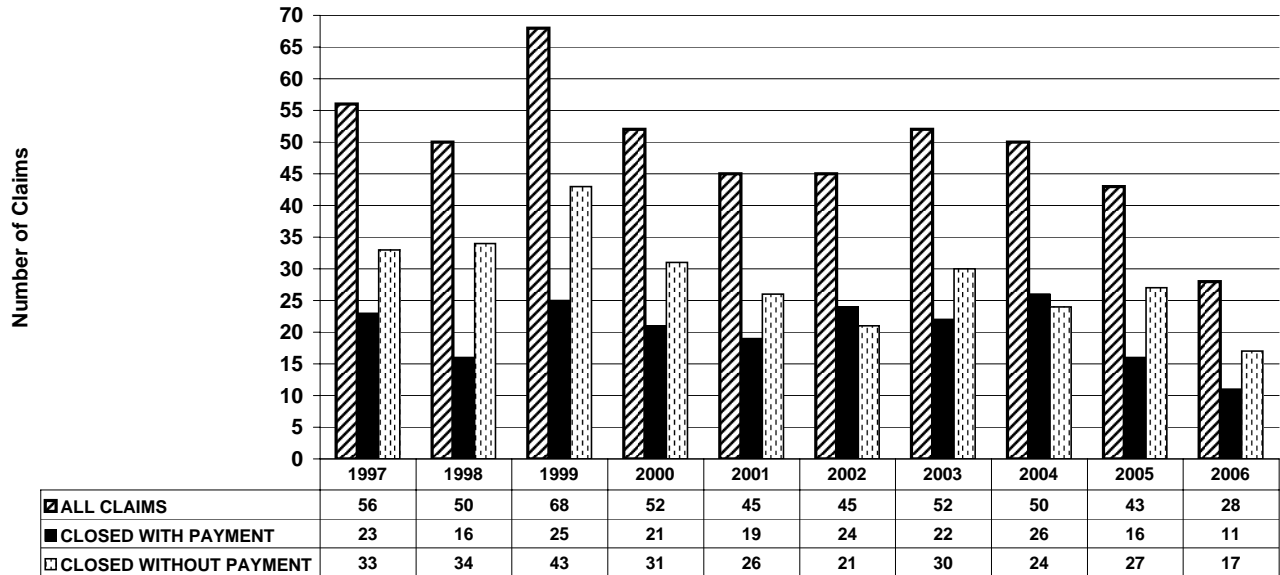


## FAIL TO ASCERTAIN DEADLINE CORRECTLY

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

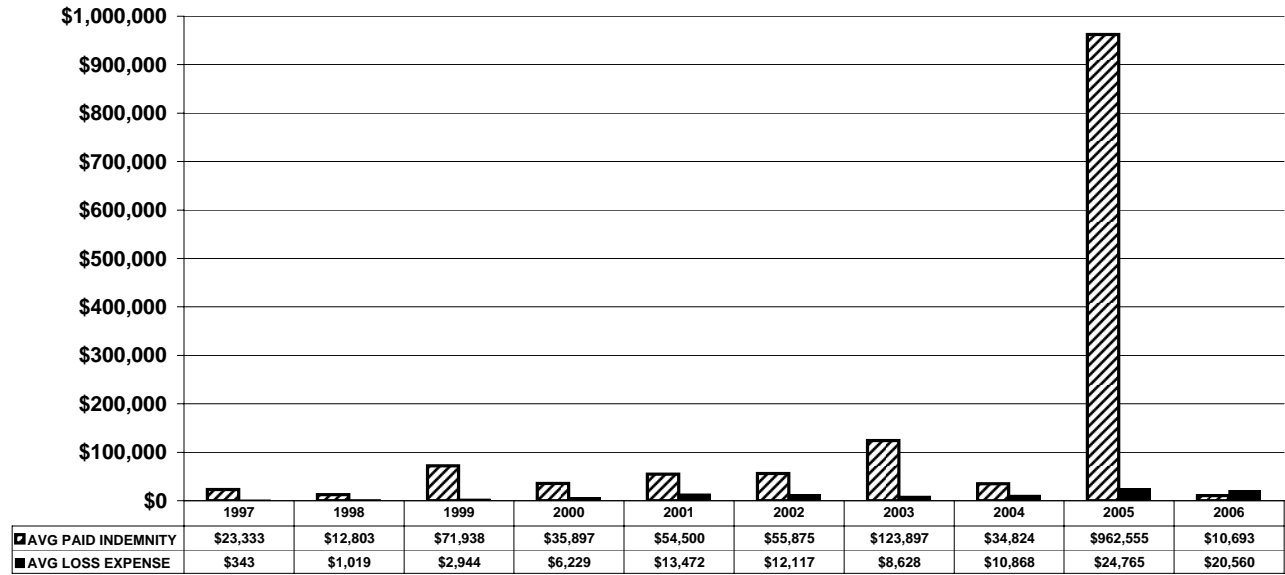


### CLAIM COUNT

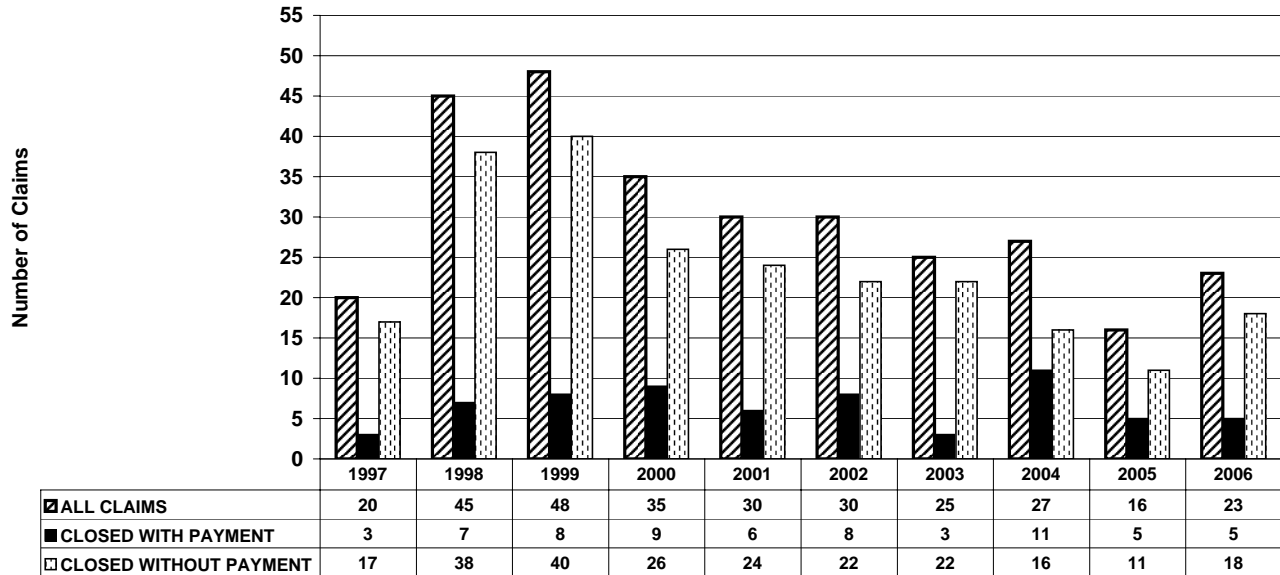


## PROCRASTINATION OR LACK OF FOLLOW-UP

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

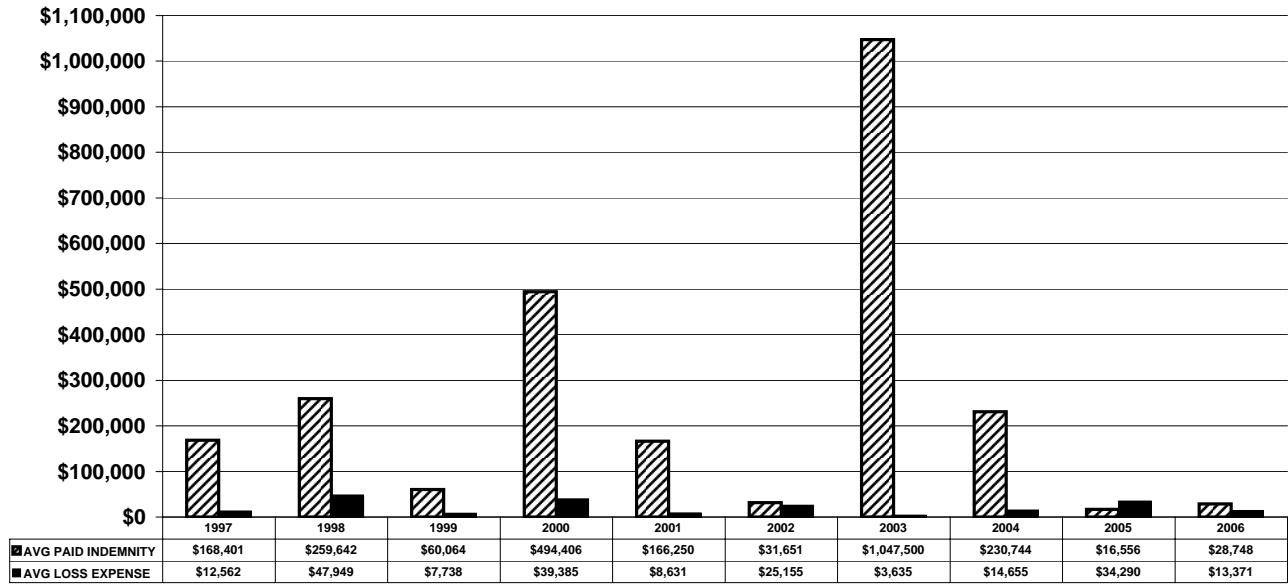


### CLAIM COUNT

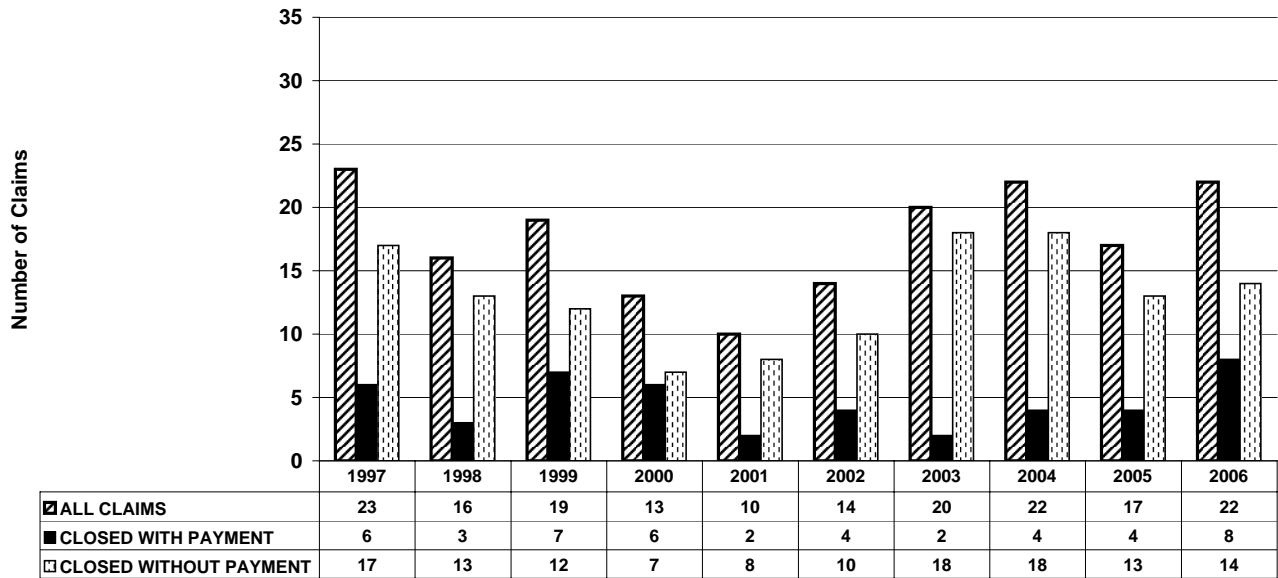


## FAIL TO KNOW OR PROPERLY APPLY THE LAW

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

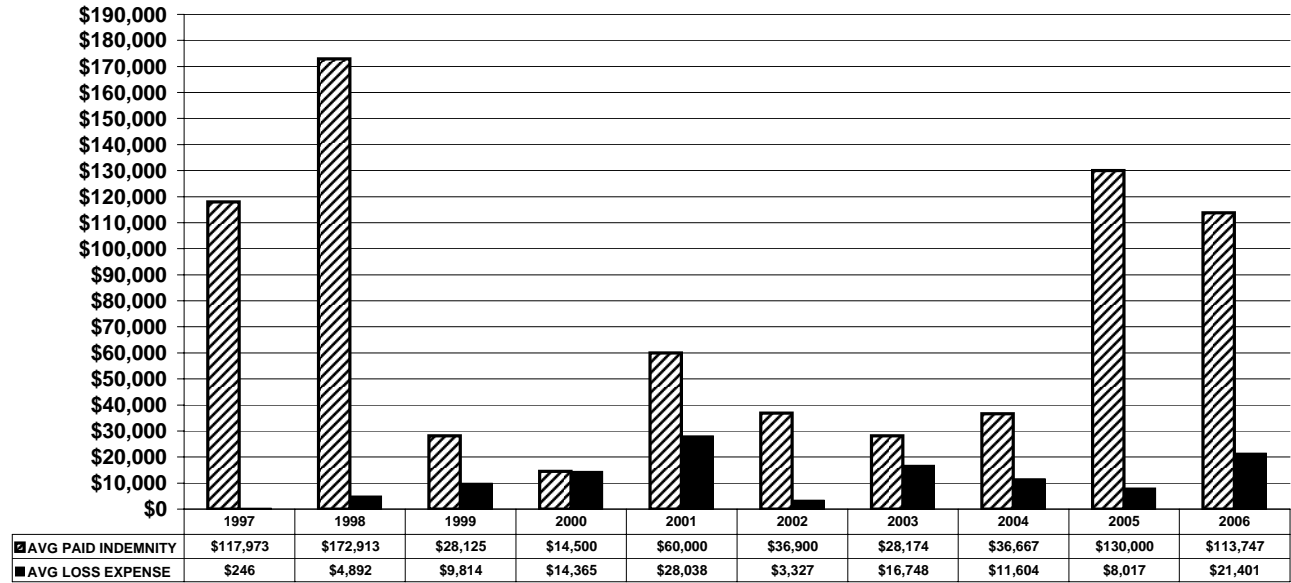


### CLAIM COUNT

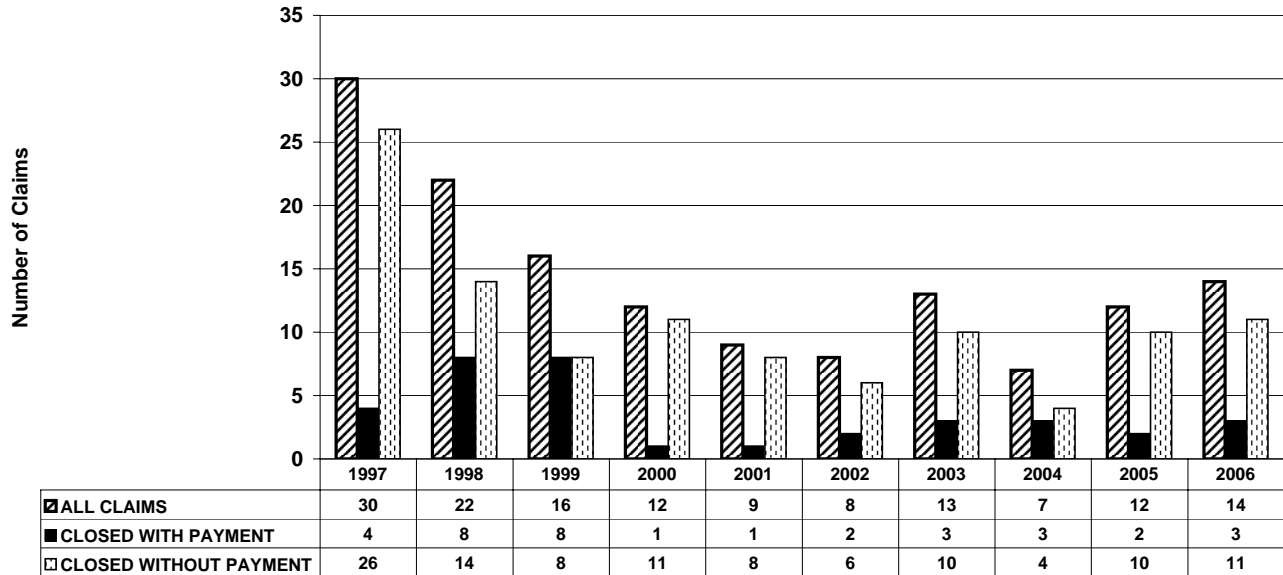


## FAIL TO FOLLOW CLIENTS INSTRUCTIONS

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

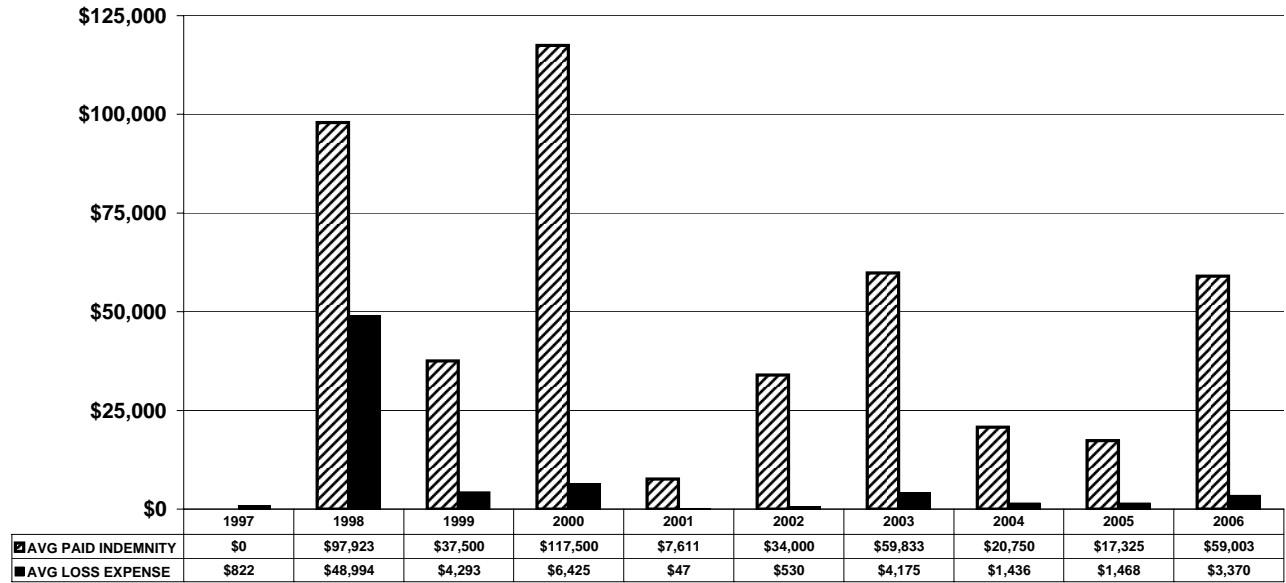


### CLAIM COUNT

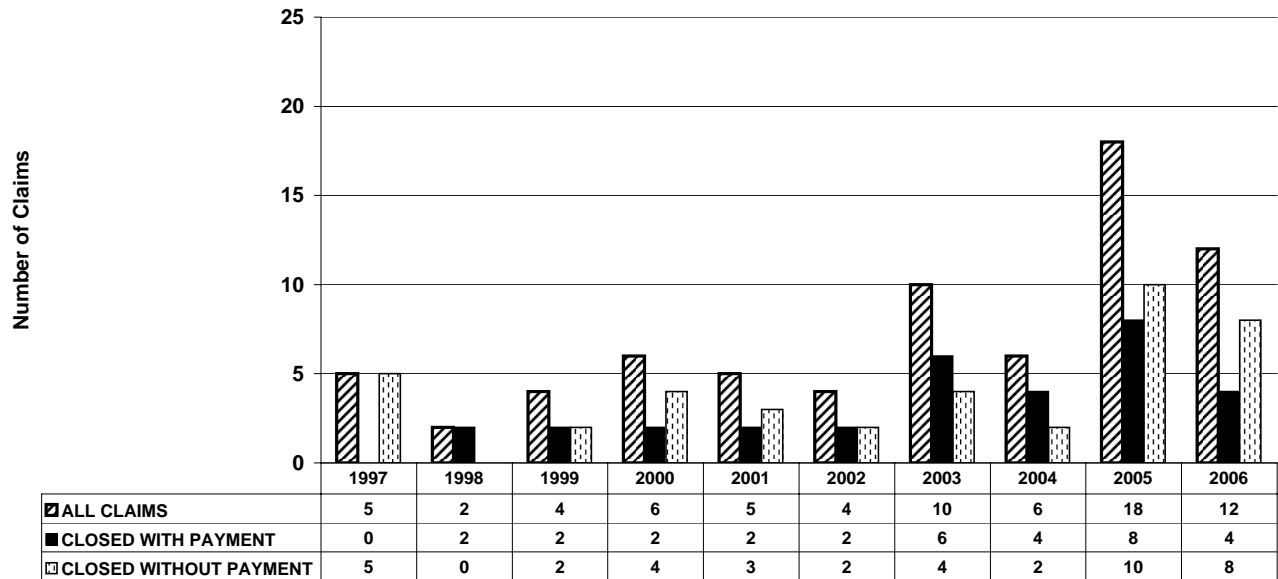


## FAILURE TO REACT TO CALENDAR

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

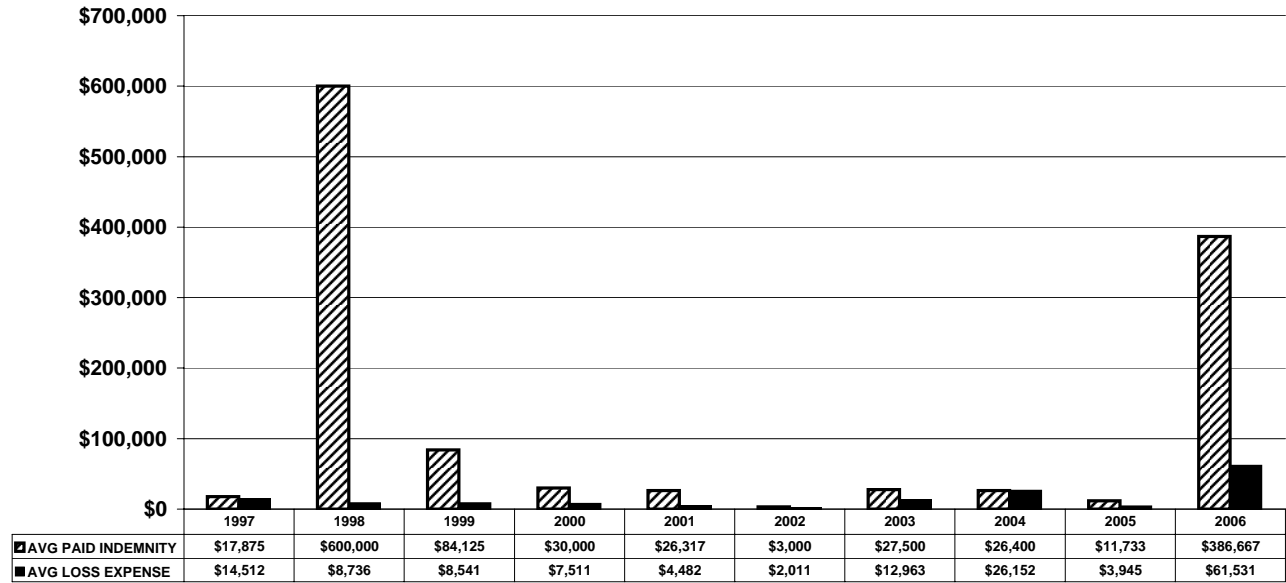


### CLAIM COUNT

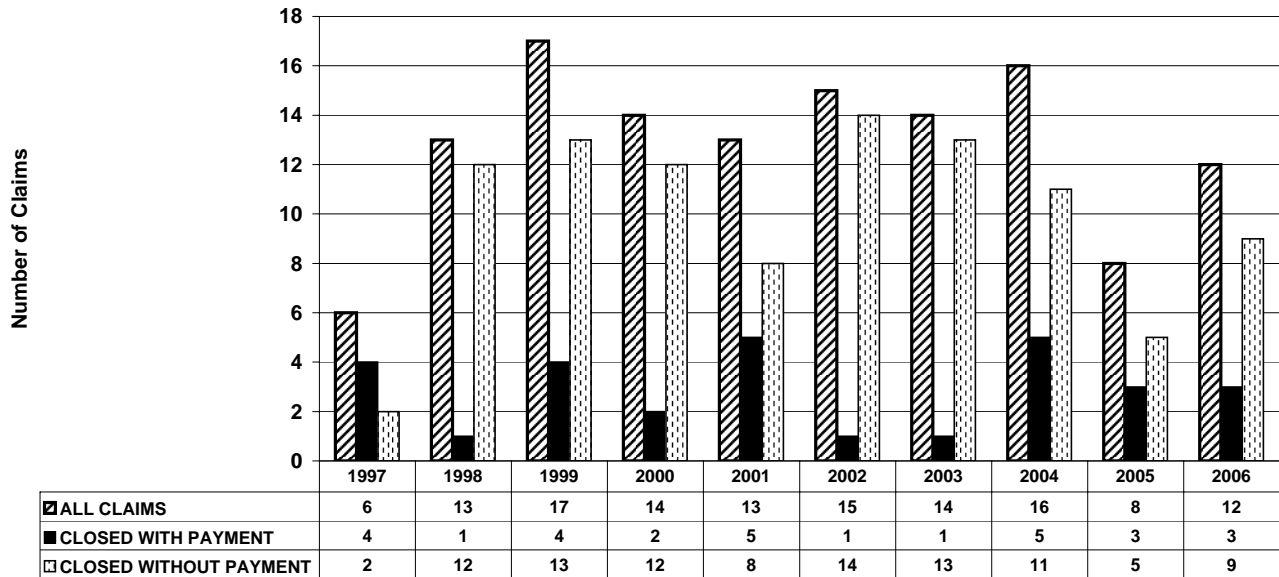


## INADEQUATE INVESTIGATION

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

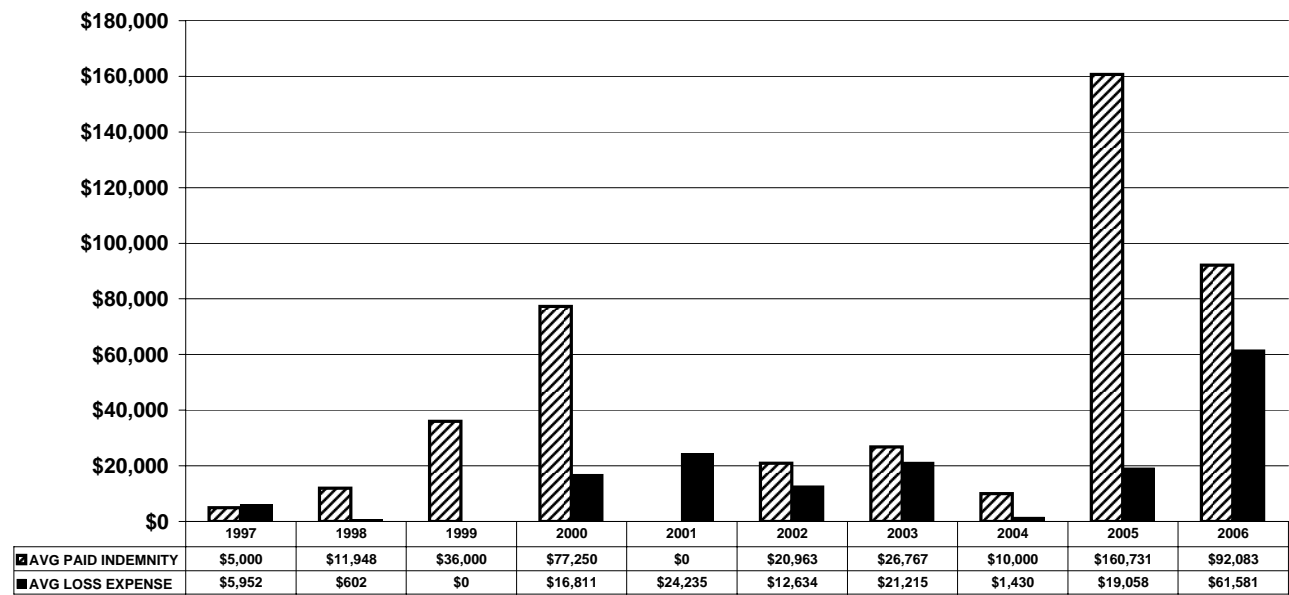


### CLAIM COUNT

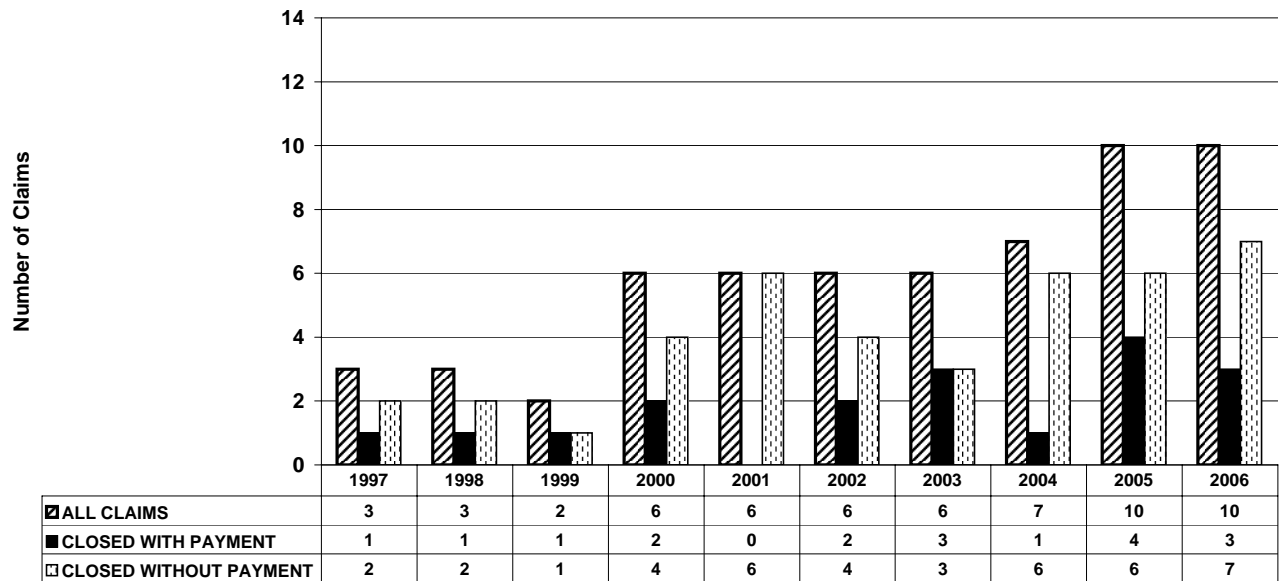


## FAIL TO FILE DOCUMENTS WITH NO DEADLINE

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

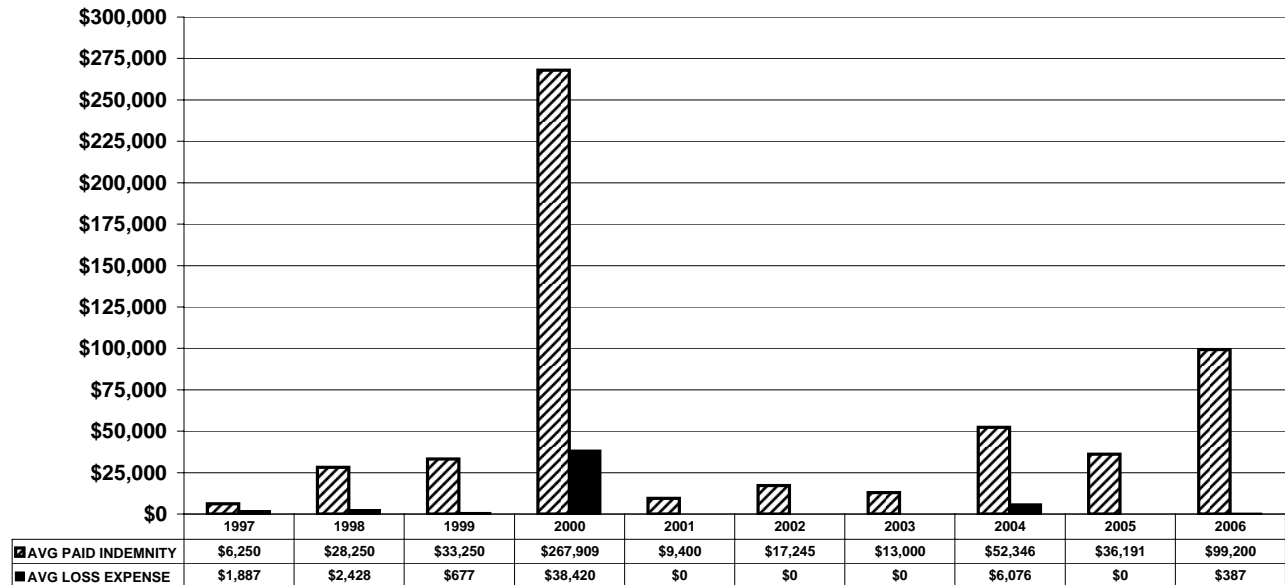


### CLAIM COUNT

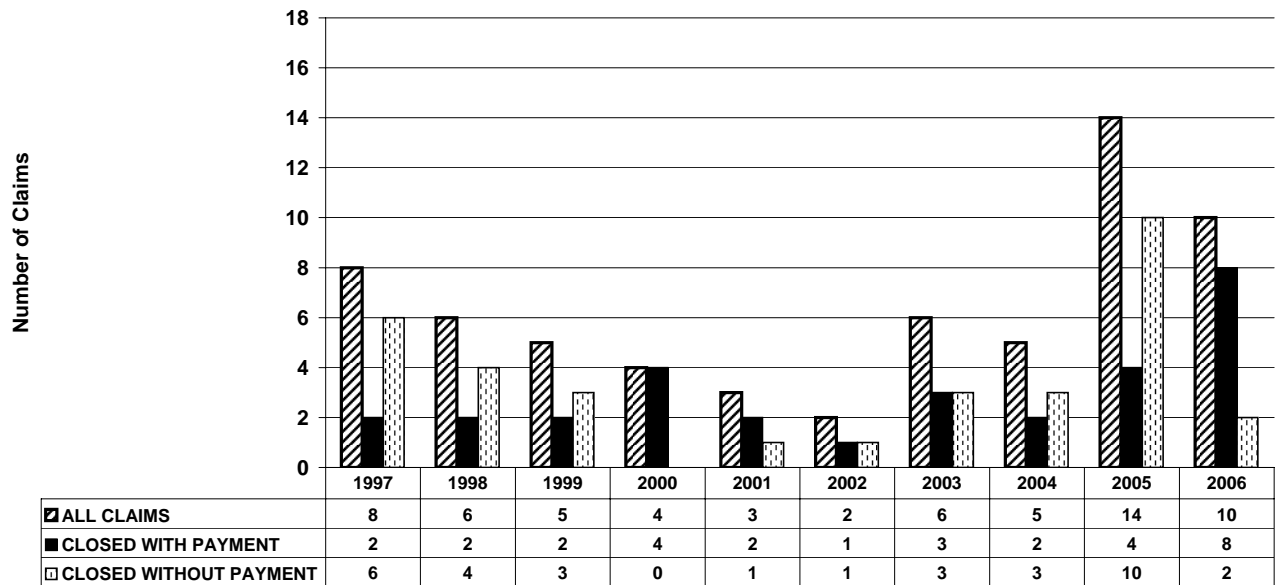


## FAILURE TO CALENDAR PROPERLY

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



### CLAIM COUNT



**TEN YEAR SUMMARY  
&  
2006 SUMMARY  
BY  
CLAIM DISPOSITIONS**

# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS FOR YEARS 1997 – 2006

CLAIM DISPOSITION	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
BEFORE FILING SUIT OR DEMANDING HEARING	1,265	339	48.85%	\$55,192	\$18,709,999	28.51%	\$931
BEFORE TRIAL OR HEARING	1,002	319	45.97%	\$126,299	\$40,289,474	61.39%	\$26,917
CLAIM OR SUIT ABANDONED	137	0	0.00%	N/A	\$0	0.00%	\$1,264
AFTER APPEAL	81	9	1.30%	\$76,416	\$687,745	1.05%	\$48,771
AFTER JUDGMENT, BEFORE APPEAL	39	9	1.30%	\$223,263	\$2,009,370	3.06%	\$22,185
DURING TRIAL OR HEARING	27	7	1.01%	\$165,023	\$1,155,161	1.76%	\$47,151
AFTER TRIAL OR HEARING, BEFORE JUDGMENT	24	6	0.86%	\$317,308	\$1,903,845	2.90%	\$37,276
DURING APPEAL	23	5	0.72%	\$174,701	\$873,507	1.33%	\$76,608
DURING REVIEW PANEL	4	0	0.00%	N/A	\$0	0.00%	\$823
TOTAL	2,602	694	100.00%	\$94,566	\$65,629,101	100.00%	\$14,247

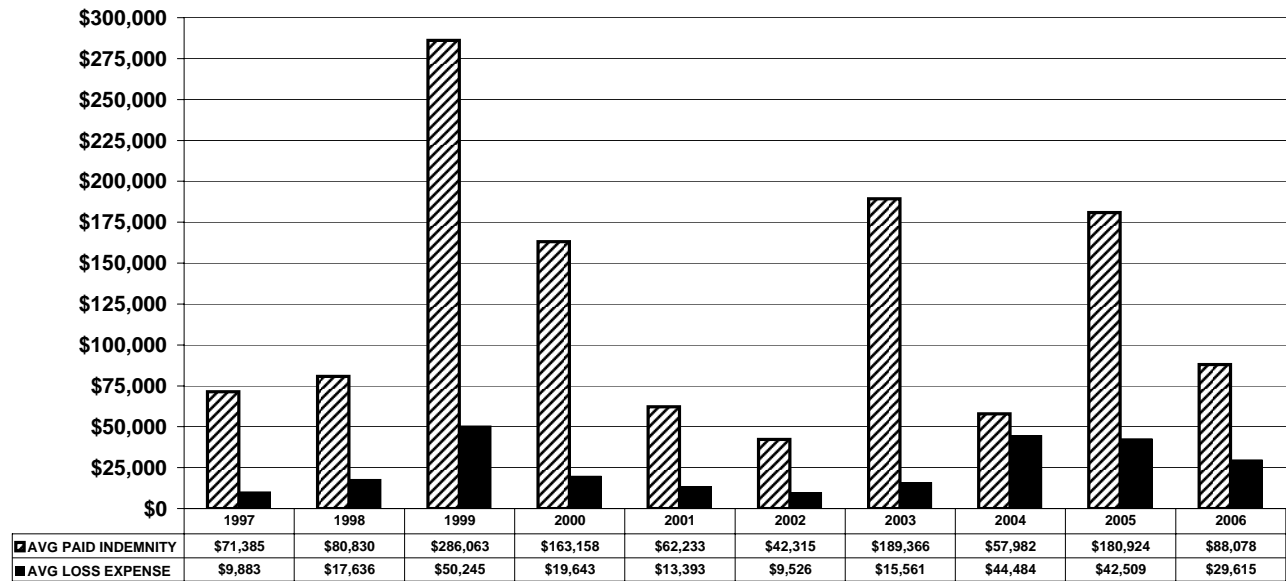
**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
CLAIMS CLOSED IN 2006**

CLAIM DISPOSITION	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
BEFORE TRIAL OR HEARING	120	43	58.90%	\$88,078	\$3,787,369	55.51%	\$29,615
BEFORE FILING SUIT OR DEMANDING HEARING	104	23	31.51%	\$65,297	\$1,501,824	22.01%	\$1,279
CLAIM OR SUIT ABANDONED	12	0	0.00%	N/A	\$0	0.00%	\$64
AFTER APPEAL	8	2	2.74%	\$45,157	\$90,314	1.32%	\$58,202
DURING TRIAL OR HEARING	7	3	4.11%	\$166,683	\$500,050	7.33%	\$83,794
DURING APPEAL	3	1	1.37%	\$104,240	\$104,240	1.53%	\$65,634
AFTER JUDGMENT, BEFORE APPEAL	2	1	1.37%	\$839,000	\$839,000	12.30%	\$131,246
AFTER TRIAL OR HEARING, BEFORE JUDGMENT	2	0	0.00%	N/A	\$0	0.00%	\$86,330
<b>TOTAL</b>	<b>258</b>	<b>73</b>	<b>100.00%</b>	<b>\$93,463</b>	<b>\$6,822,797</b>	<b>100.00%</b>	<b>\$20,821</b>

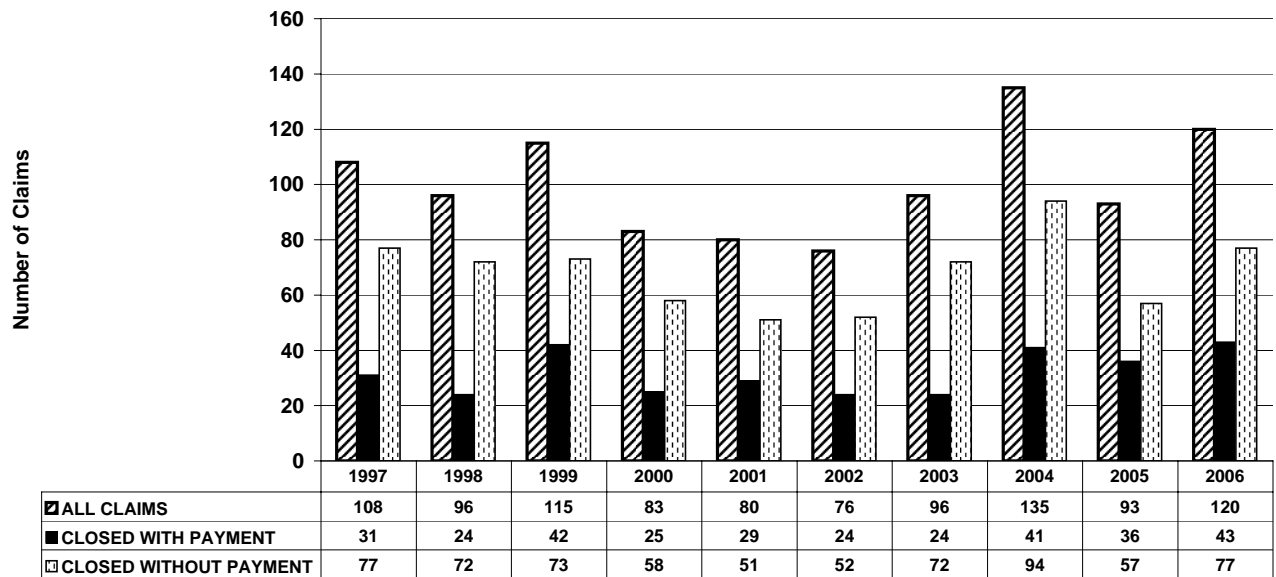
**TRENDS  
OF THE TOP EIGHT  
CLAIM DISPOSITIONS  
OF 2006**

## BEFORE TRIAL OR HEARING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

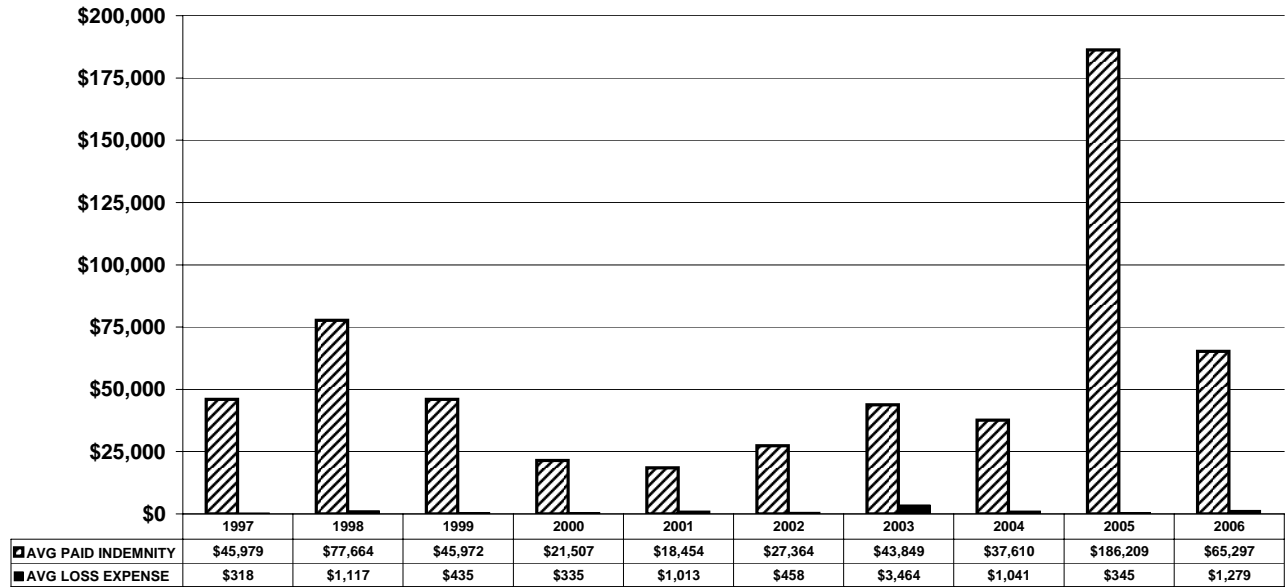


### CLAIM COUNT

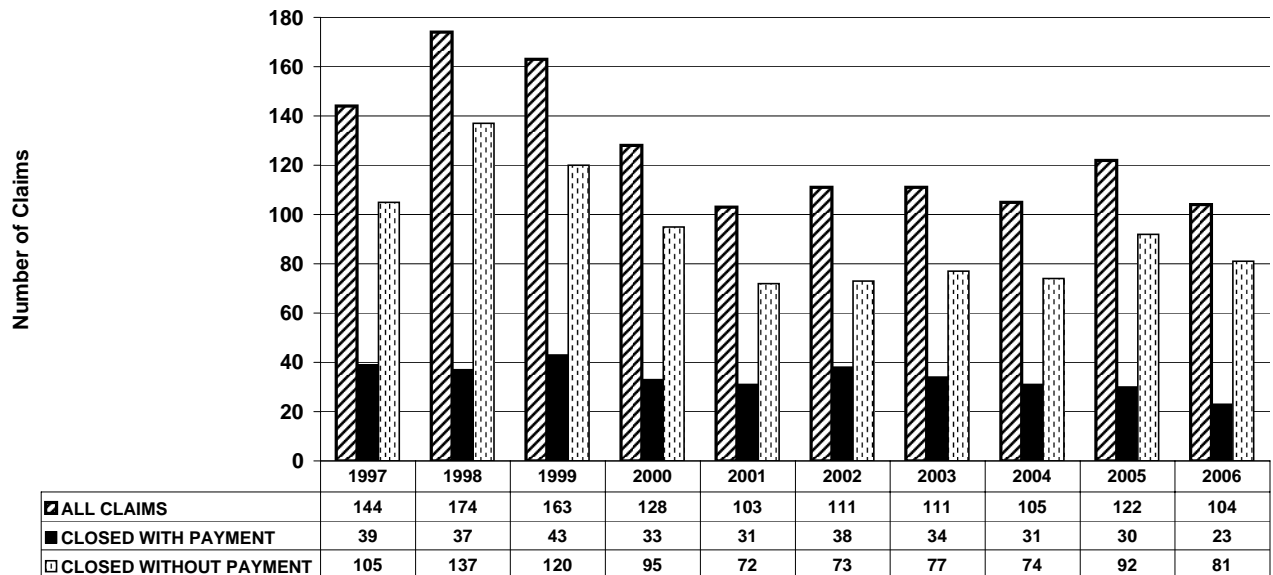


## BEFORE FILING SUIT OR DEMANDING HEARING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

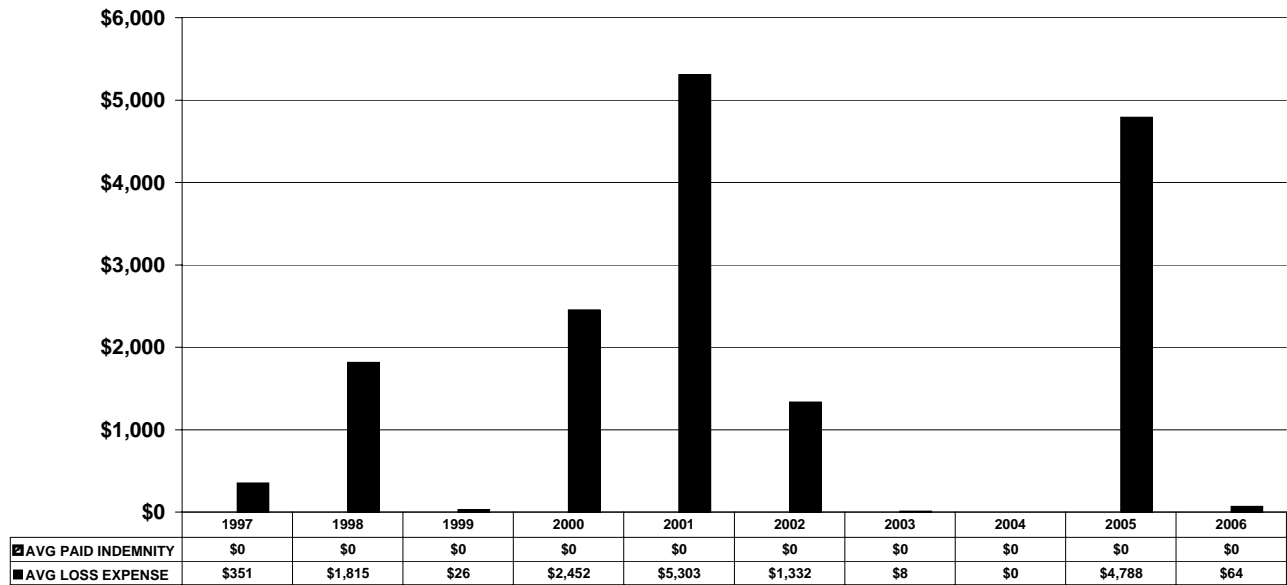


### CLAIM COUNT

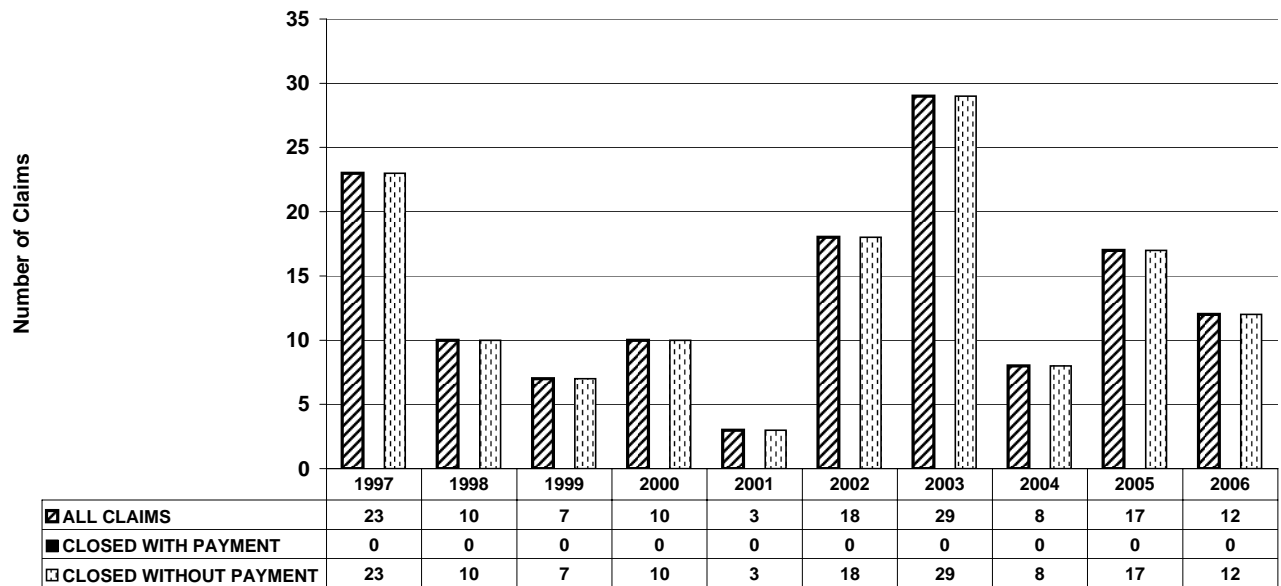


## CLAIM OR SUIT ABANDONED

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

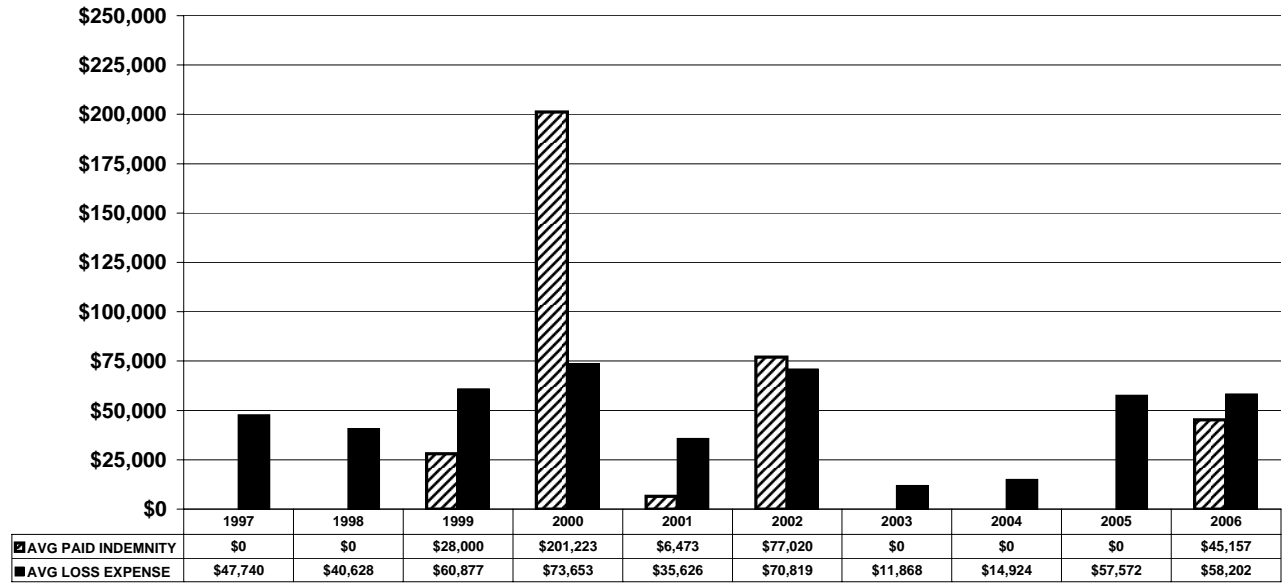


### CLAIM COUNT

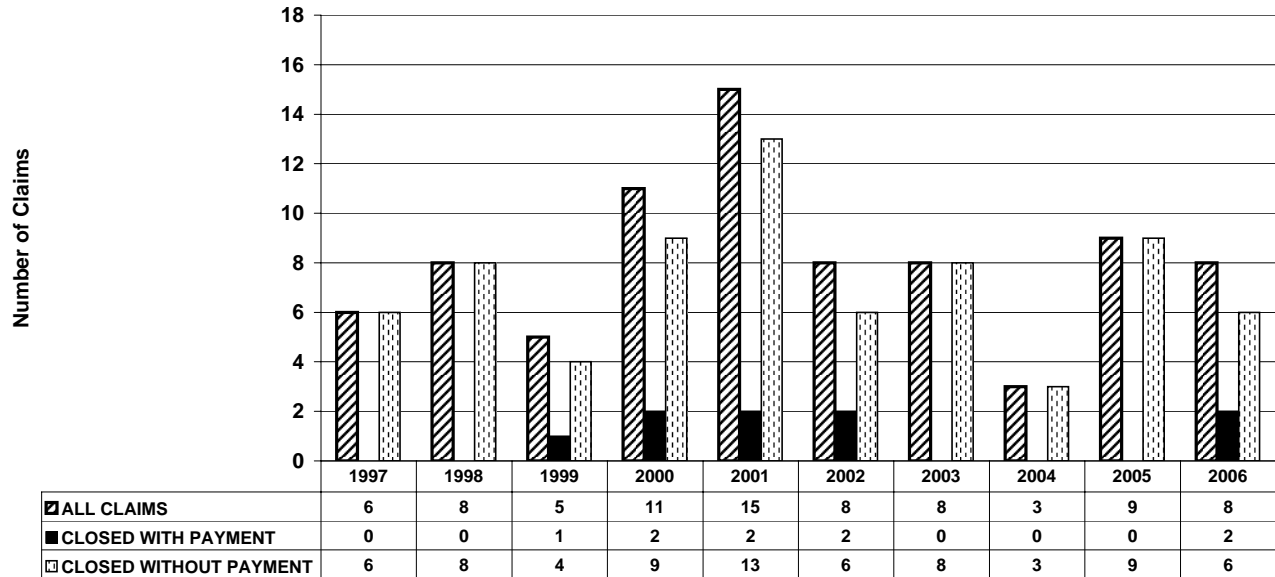


## AFTER APPEAL

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

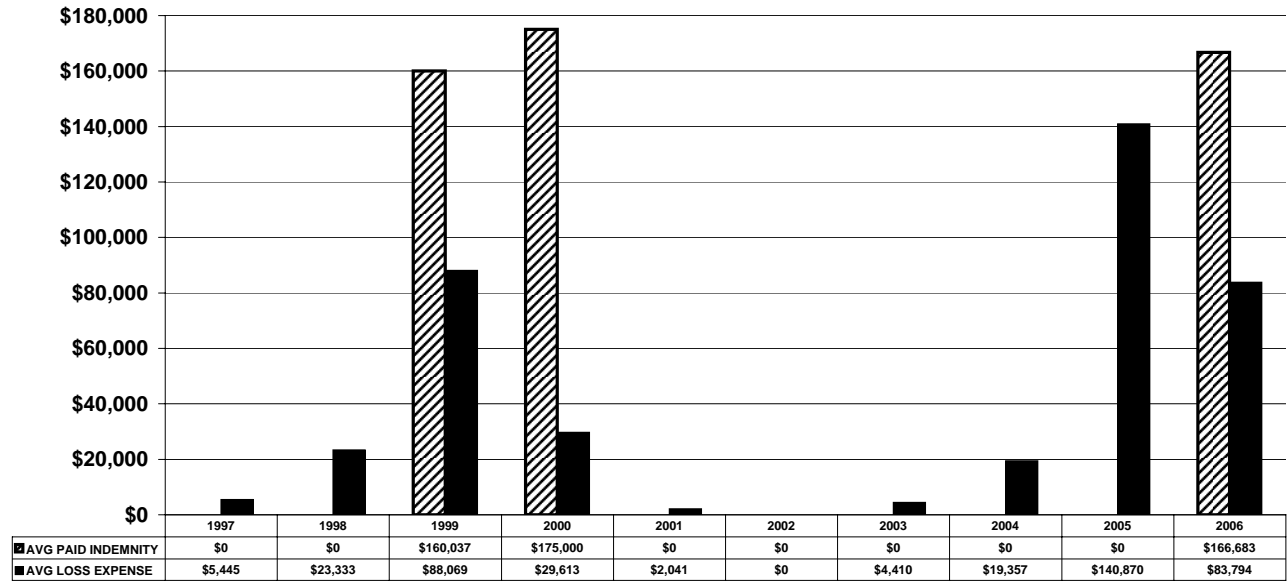


### CLAIM COUNT

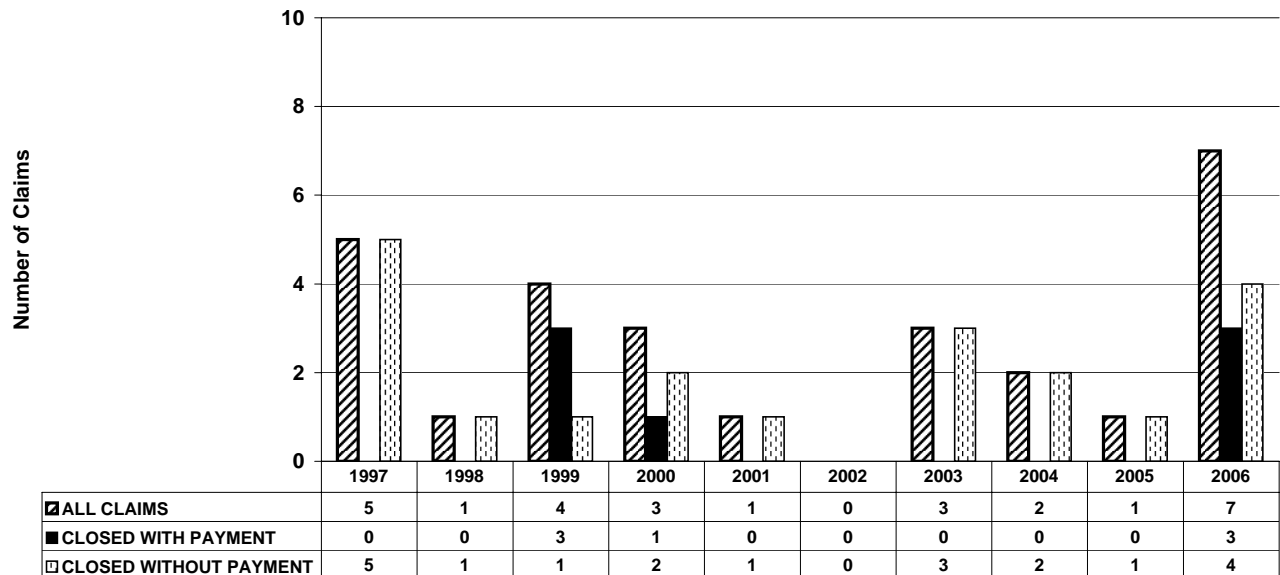


## DURING TRIAL OR HEARING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

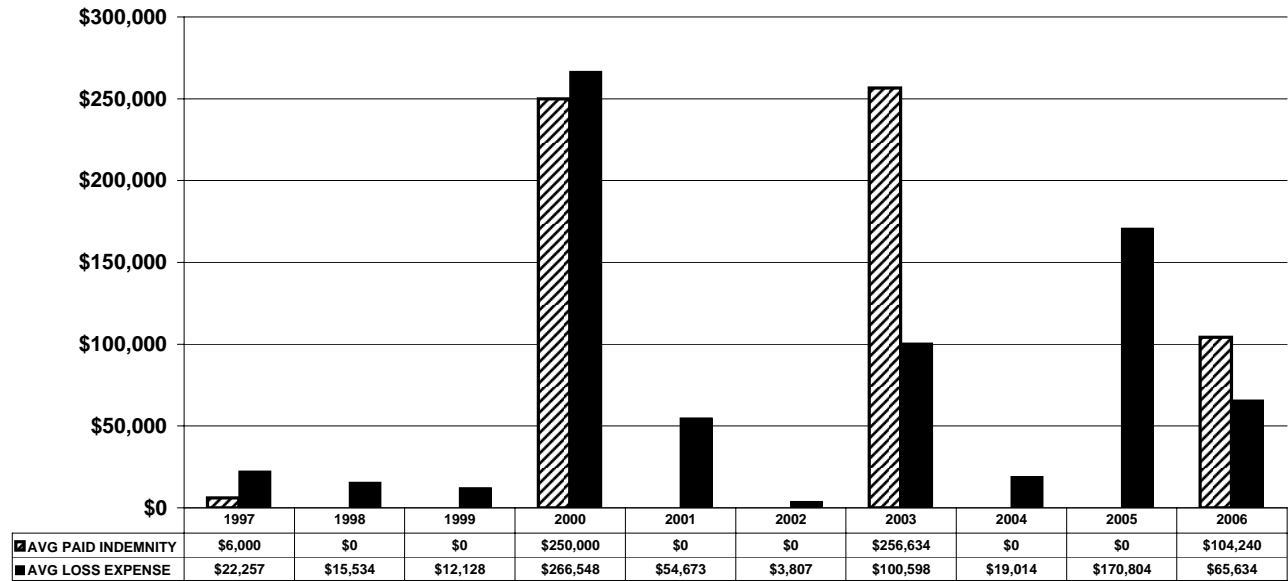


### CLAIM COUNT

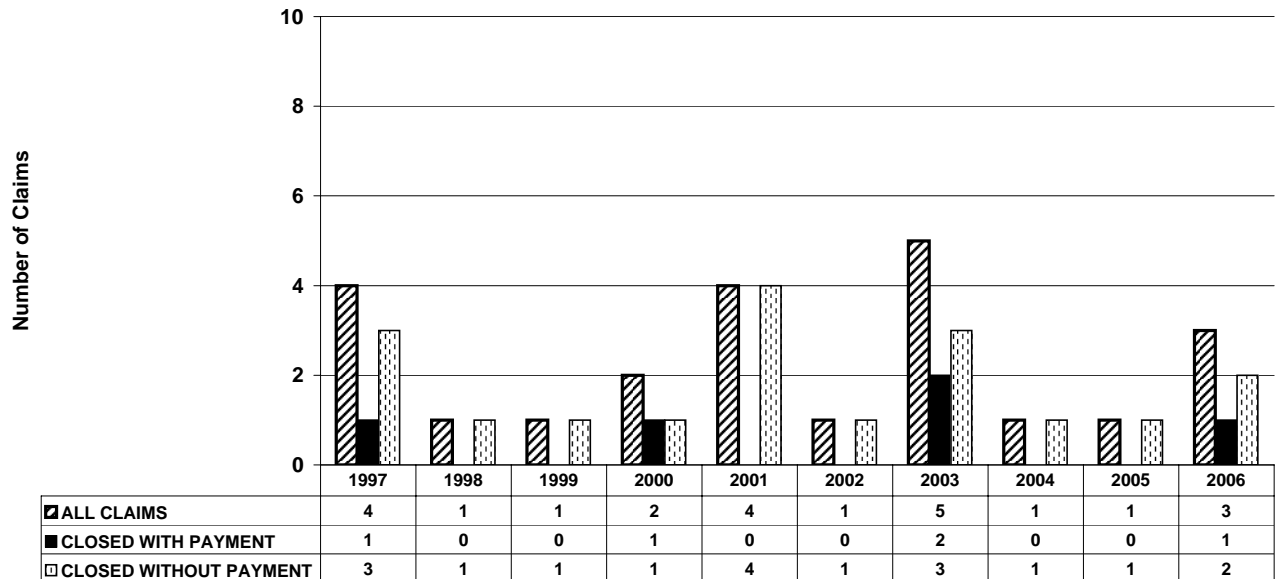


## DURING APPEAL

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

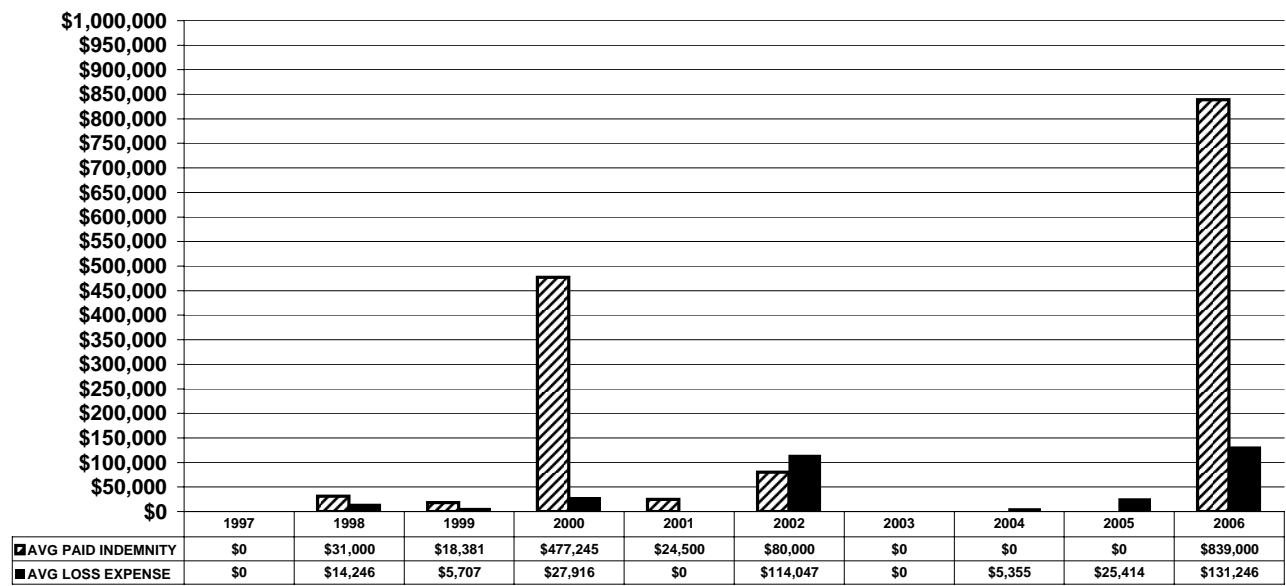


## CLAIM COUNT

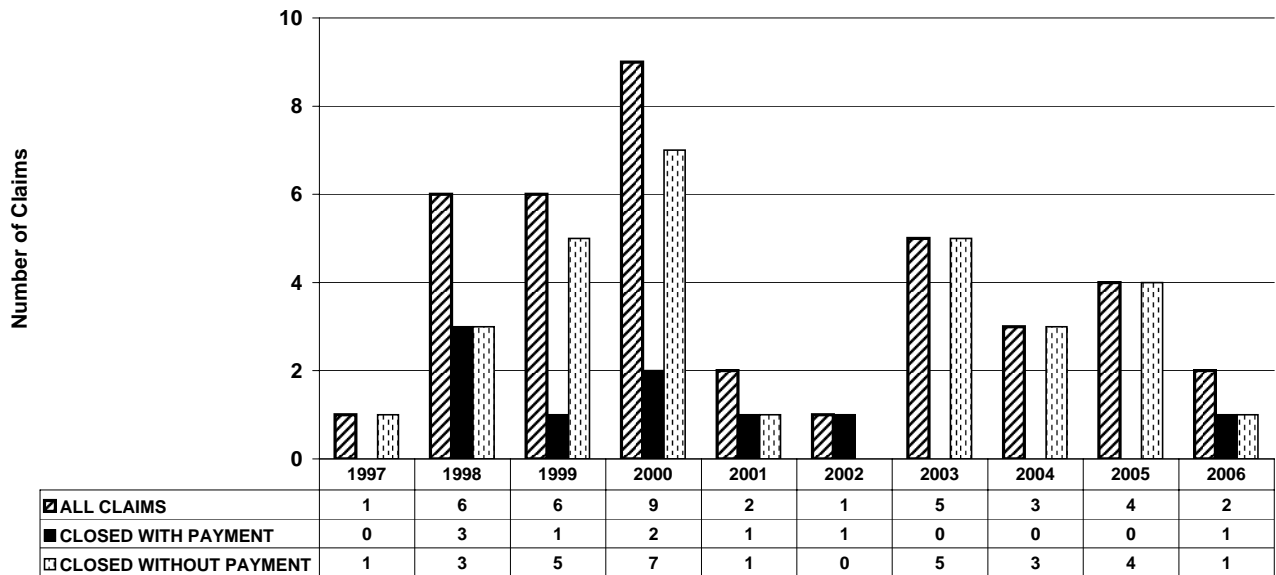


## AFTER JUDGMENT, BEFORE APPEAL

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

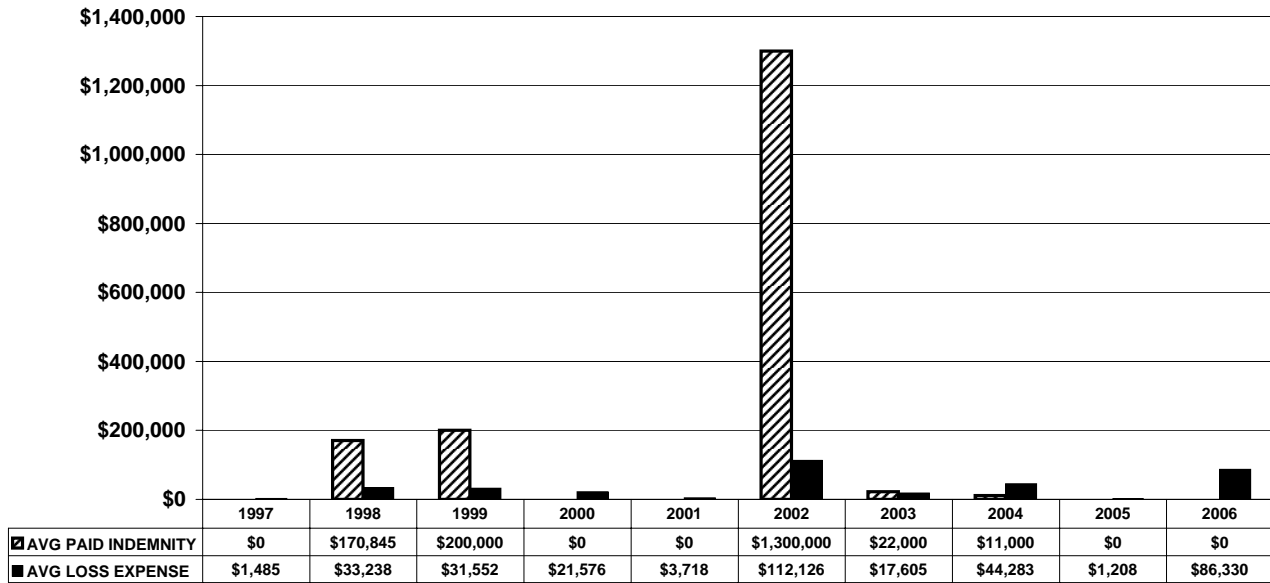


### CLAIM COUNT

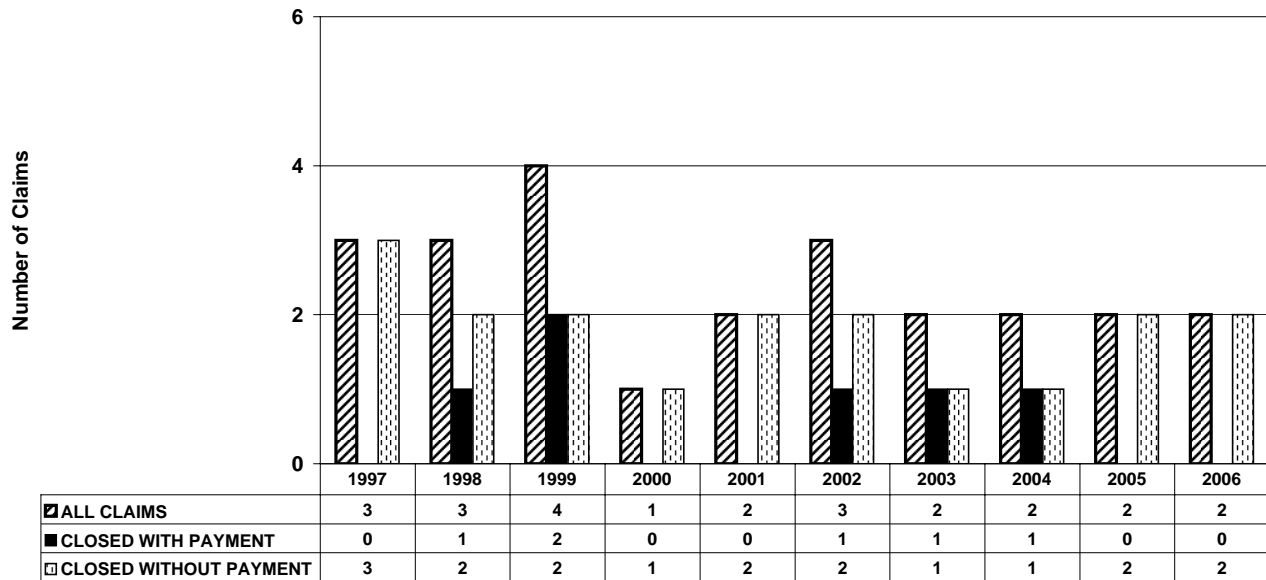


## AFTER TRIAL OR HEARING, BEFORE JUDGMENT

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



### CLAIM COUNT



**TEN YEAR SUMMARY  
&  
2006 SUMMARY  
BY  
YEARS ADMITTED TO PRACTICE**

**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
FOR YEARS 1997 – 2006**

YEARS ADMITTED TO PRACTICE	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
OVER 10 YEARS	2,397	641	92.36%	\$88,997	\$57,046,845	86.92%	\$14,154
4 TO 10 YEARS	165	43	6.20%	\$185,843	\$7,991,246	12.18%	\$17,691
UNDER 4 YEARS	40	10	1.44%	\$59,101	\$591,010	0.90%	\$5,636
TOTAL	2,602	694	100.00%	\$94,566	\$65,629,101	100.00%	\$14,247

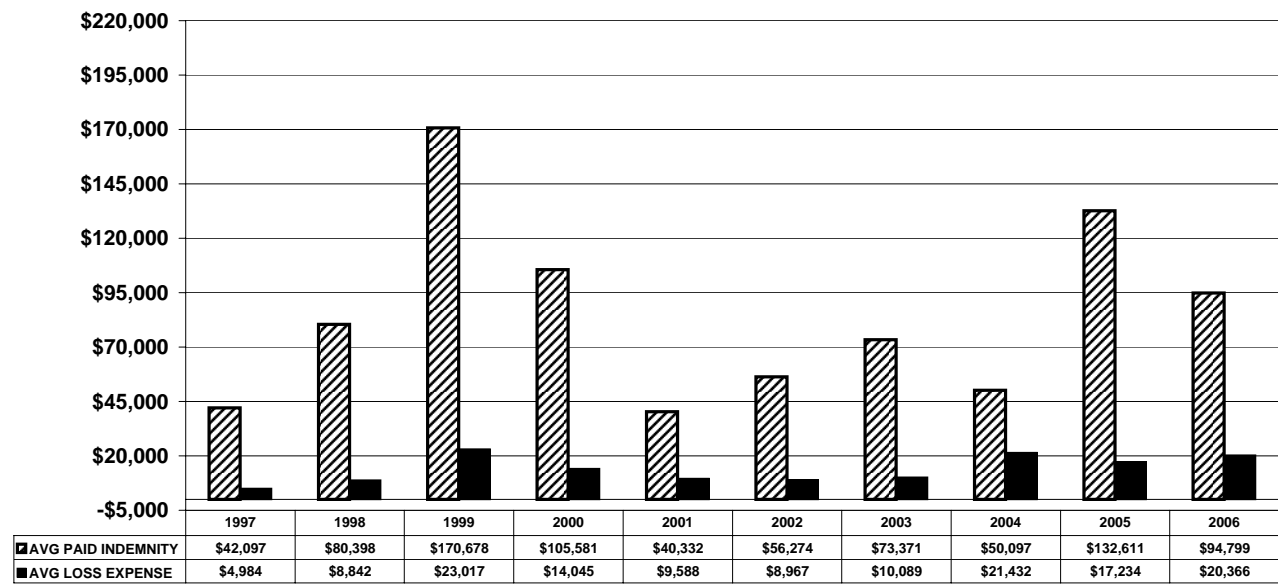
**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
CLAIMS CLOSED IN 2006**

YEARS ADMITTED TO PRACTICE	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
OVER 10 YEARS	246	71	97.26%	\$94,799	\$6,730,719	98.65%	\$20,366
4 TO 10 YEARS	10	2	2.74%	\$46,039	\$92,078	1.35%	\$33,539
UNDER 4 YEARS	2	0	0.00%	N/A	\$0	0.00%	\$13,202
<b>TOTAL</b>	<b>258</b>	<b>73</b>	<b>100.00%</b>	<b>\$93,463</b>	<b>\$6,822,797</b>	<b>100.00%</b>	<b>\$20,821</b>

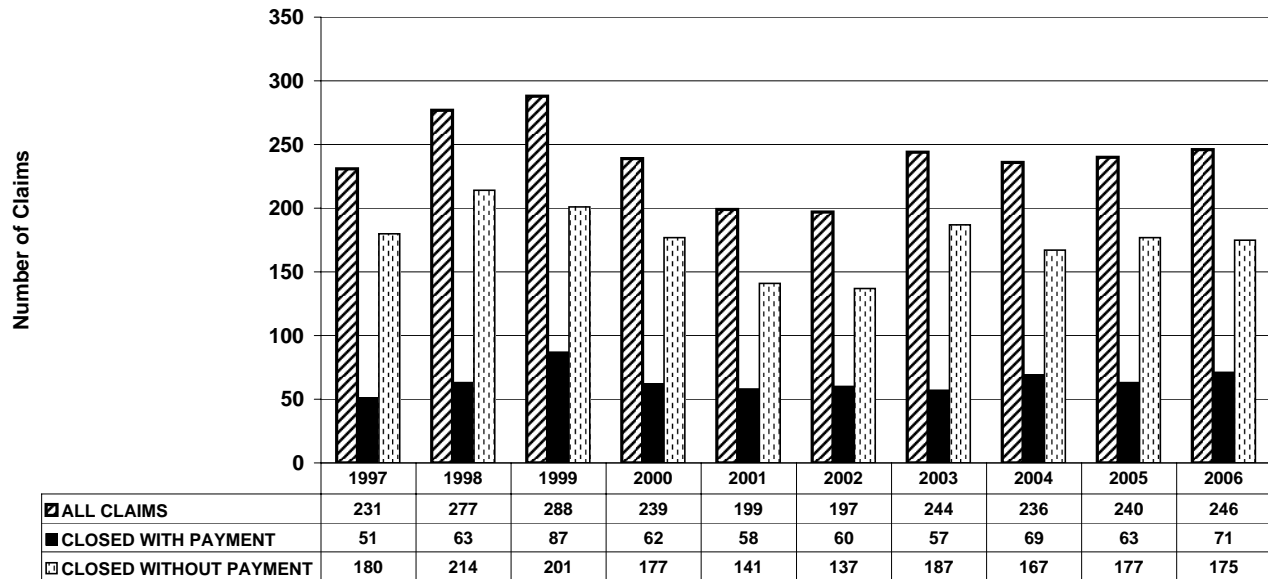
**TRENDS  
OF  
YEARS ADMITTED TO PRACTICE  
FOR 2006**

## OVER 10 YEARS

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

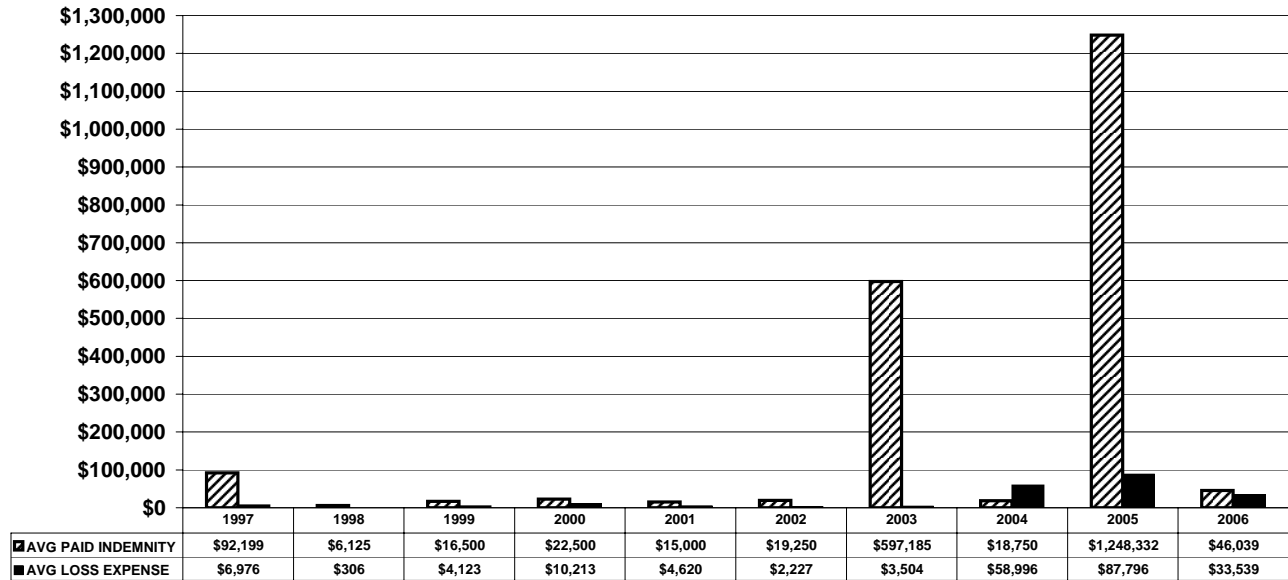


### CLAIM COUNT

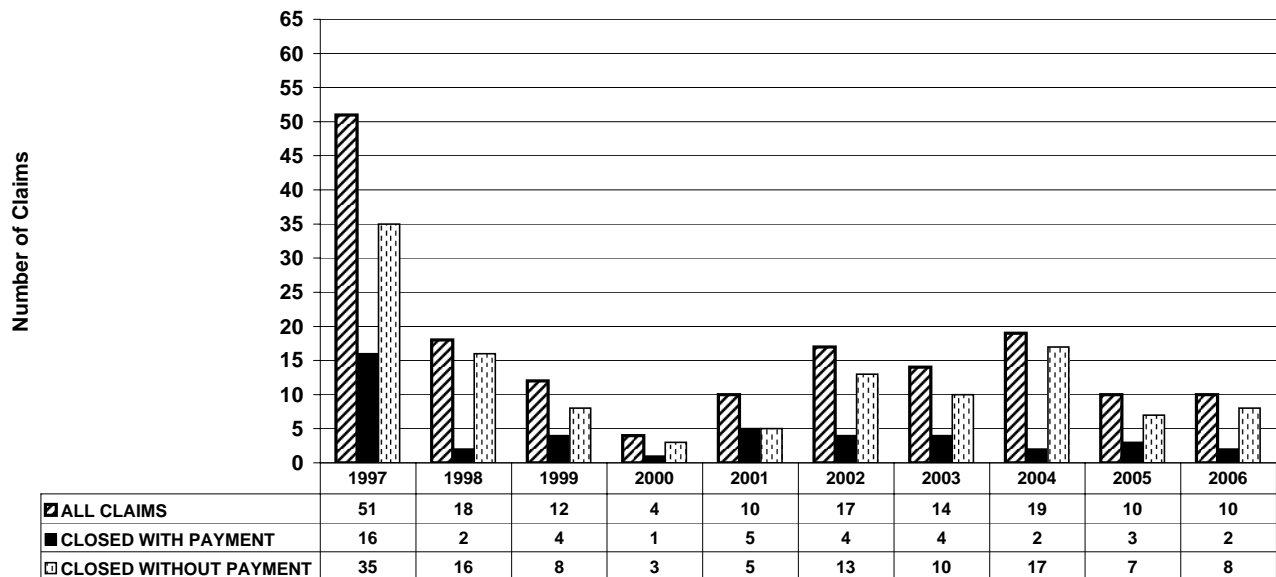


## 4 TO 10 YEARS

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

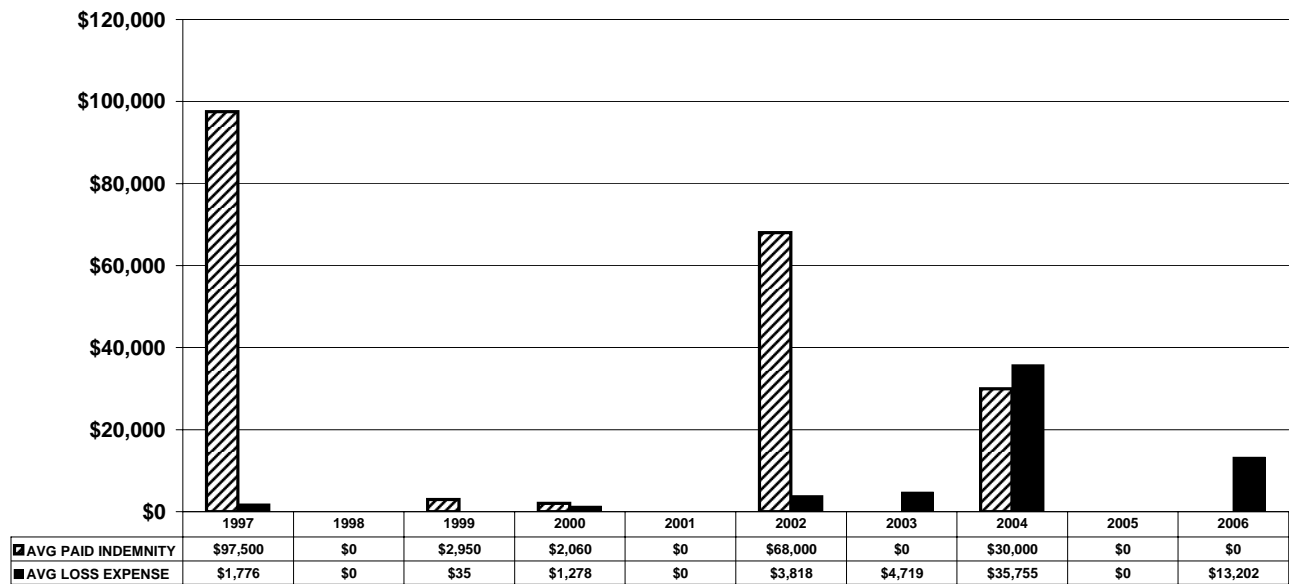


### CLAIM COUNT

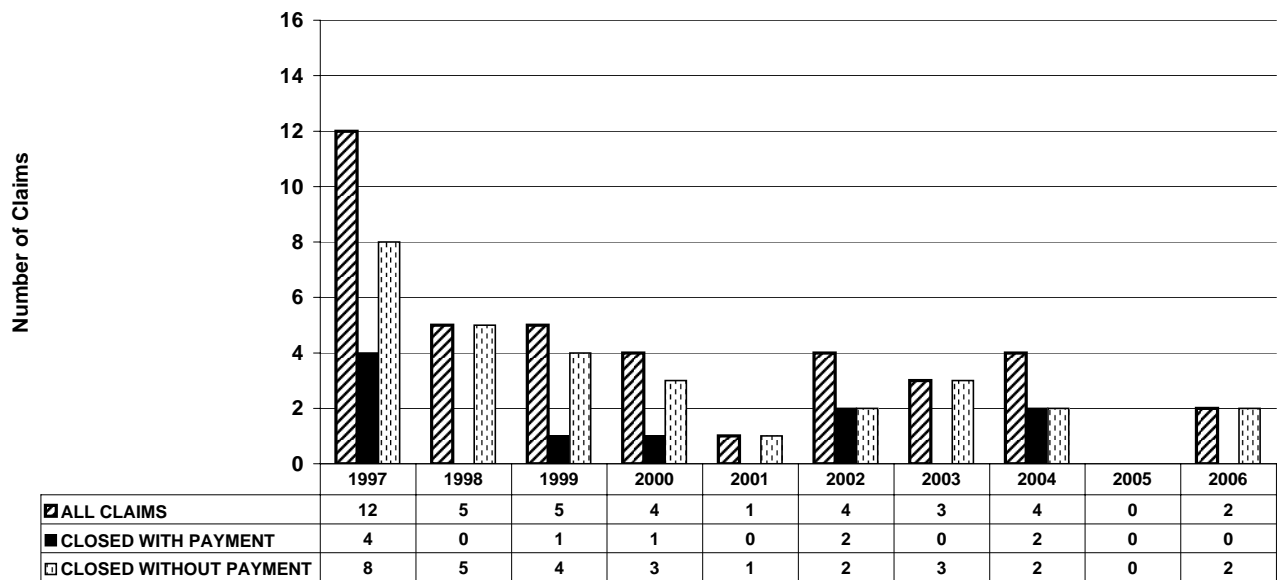


## UNDER 4 YEARS

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



### CLAIM COUNT



**TEN YEAR SUMMARY  
&  
2006 SUMMARY  
BY  
INSURED/CLAIMANT RELATIONSHIP**

# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS FOR YEARS 1997 – 2006

INSURED'S RELATIONSHIP TO THE CLAIMANT	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
CLIENT OTHER THAN FREE LEGAL SERVICE OR PREPAID LEGAL PLAN	2,199	636	91.64%	\$87,584	\$55,703,385	84.88%	\$15,022
NON-CLIENT	392	53	7.64%	\$100,815	\$5,343,216	8.14%	\$9,747
FREE LEGAL SERVICE	9	4	0.58%	\$20,625	\$82,500	0.13%	\$2,164
MEMBER PRE-PAID LEGAL PLAN	2	1	0.14%	\$4,500,000	\$4,500,000	6.86%	\$97,962
TOTAL	2,602	694	100.00%	\$94,566	\$65,629,101	100.00%	\$14,247

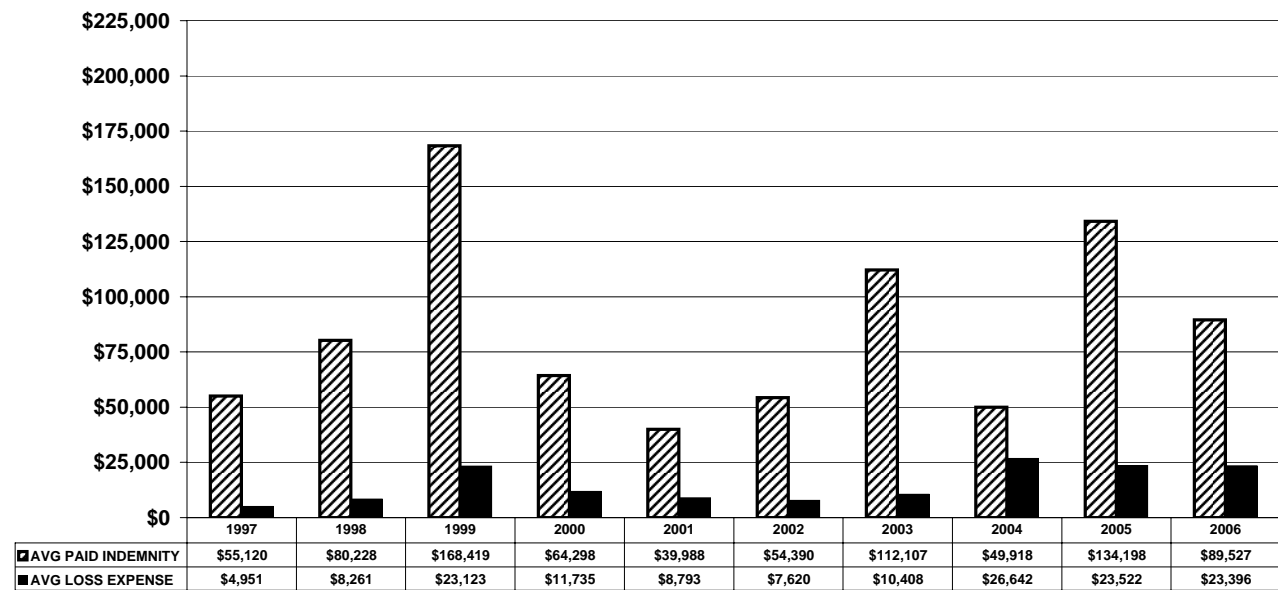
**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
CLAIMS CLOSED IN 2006**

INSURED'S RELATIONSHIP TO THE CLAIMANT	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
CLIENT OTHER THAN FREE LEGAL SERVICE OR PREPAID LEGAL PLAN	201	67	91.78%	\$89,527	\$5,998,297	87.92%	\$23,396
NON-CLIENT	57	6	8.22%	\$137,417	\$824,500	12.08%	\$11,741
TOTAL	258	73	100.00%	\$93,463	\$6,822,797	100.00%	\$20,821

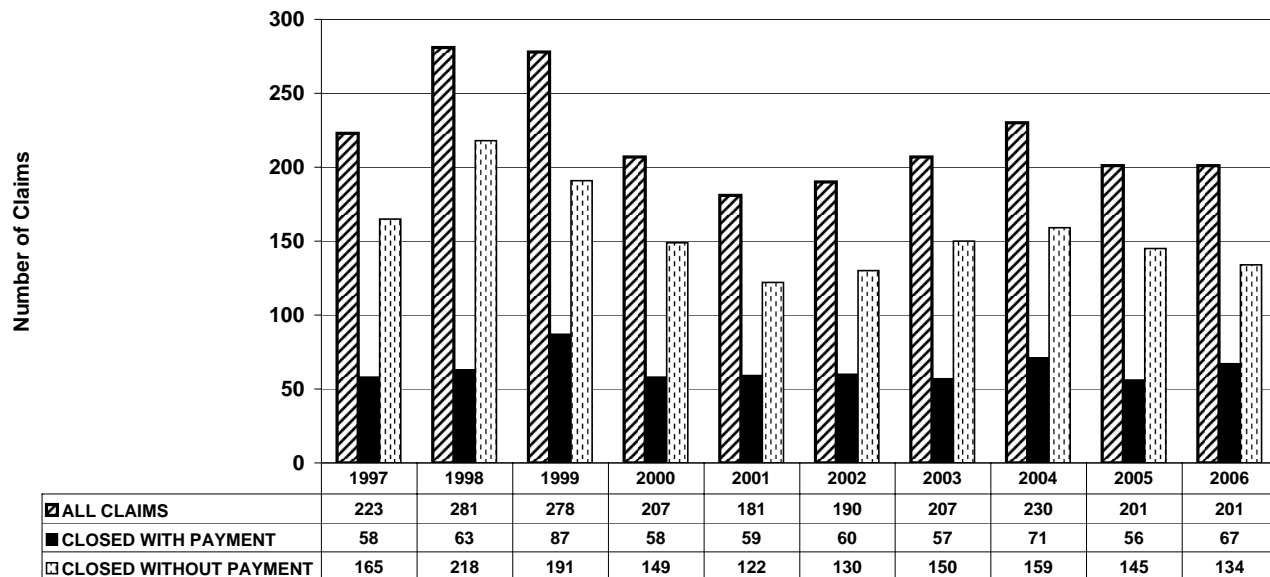
**TRENDS  
OF  
INSURED/CLAIMANT  
RELATIONSHIP  
FOR 2006**

## CLIENT OTHER THAN FREE LEGAL SERVICE OR MEMBER OF PRE-PAID LEGAL PLAN

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

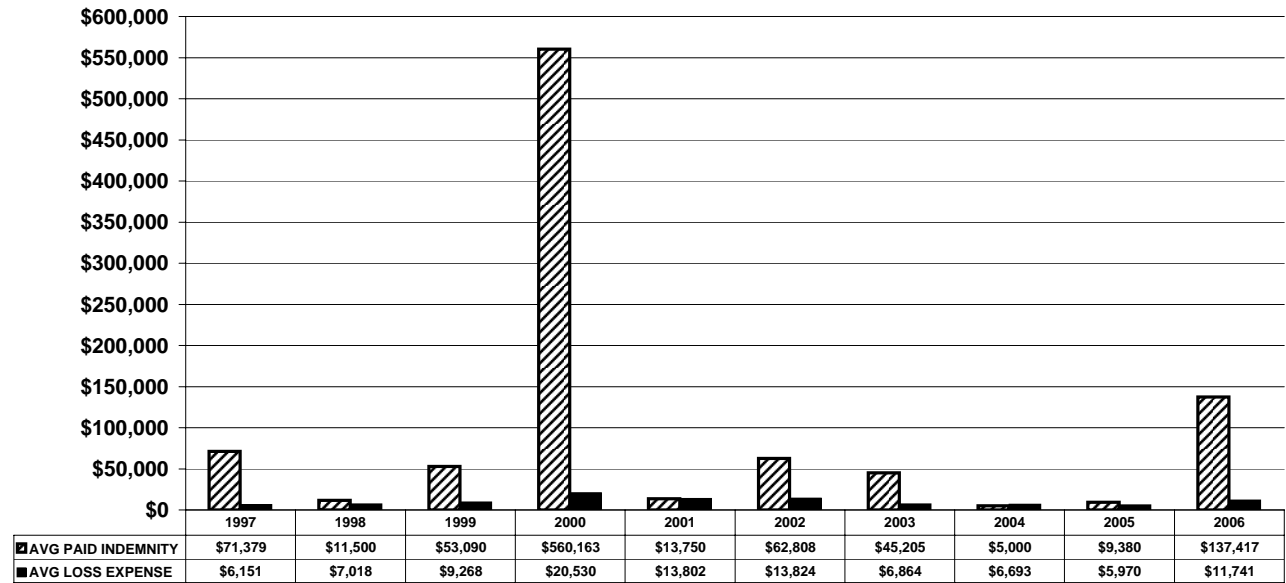


### CLAIM COUNT

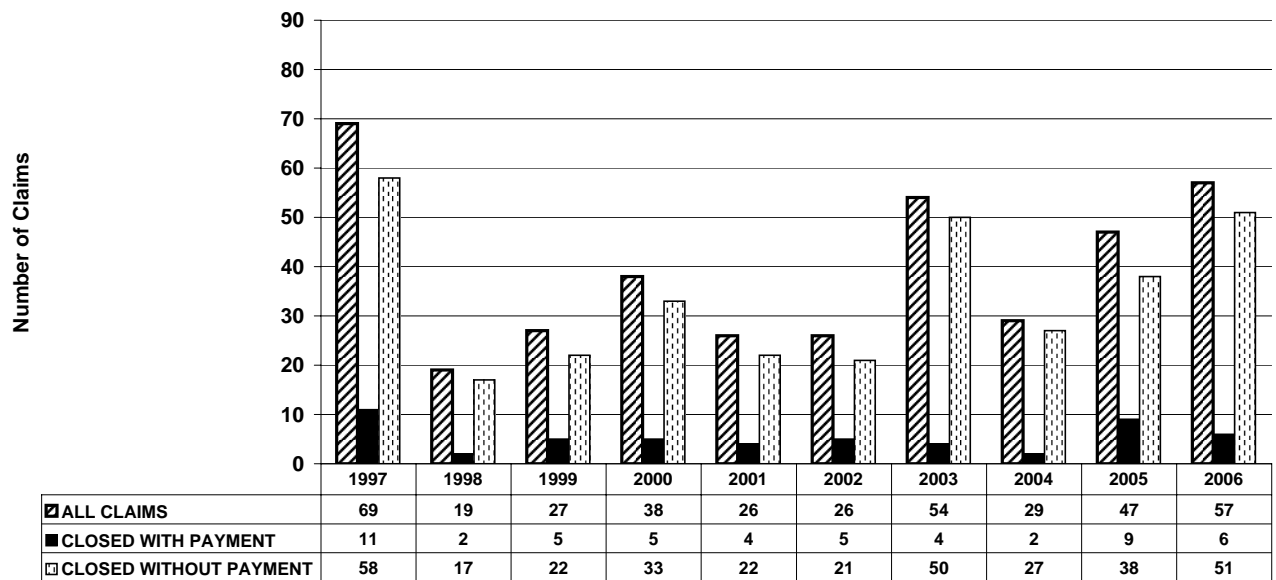


## NON-CLIENT

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



### CLAIM COUNT



# **PREMIUM AND LOSS DATA**

**PAGE 20 SUPPLEMENT  
LEGAL MALPRACTICE EXPERIENCE  
WITH MARKET SHARE**

**2006 EXPERIENCE**

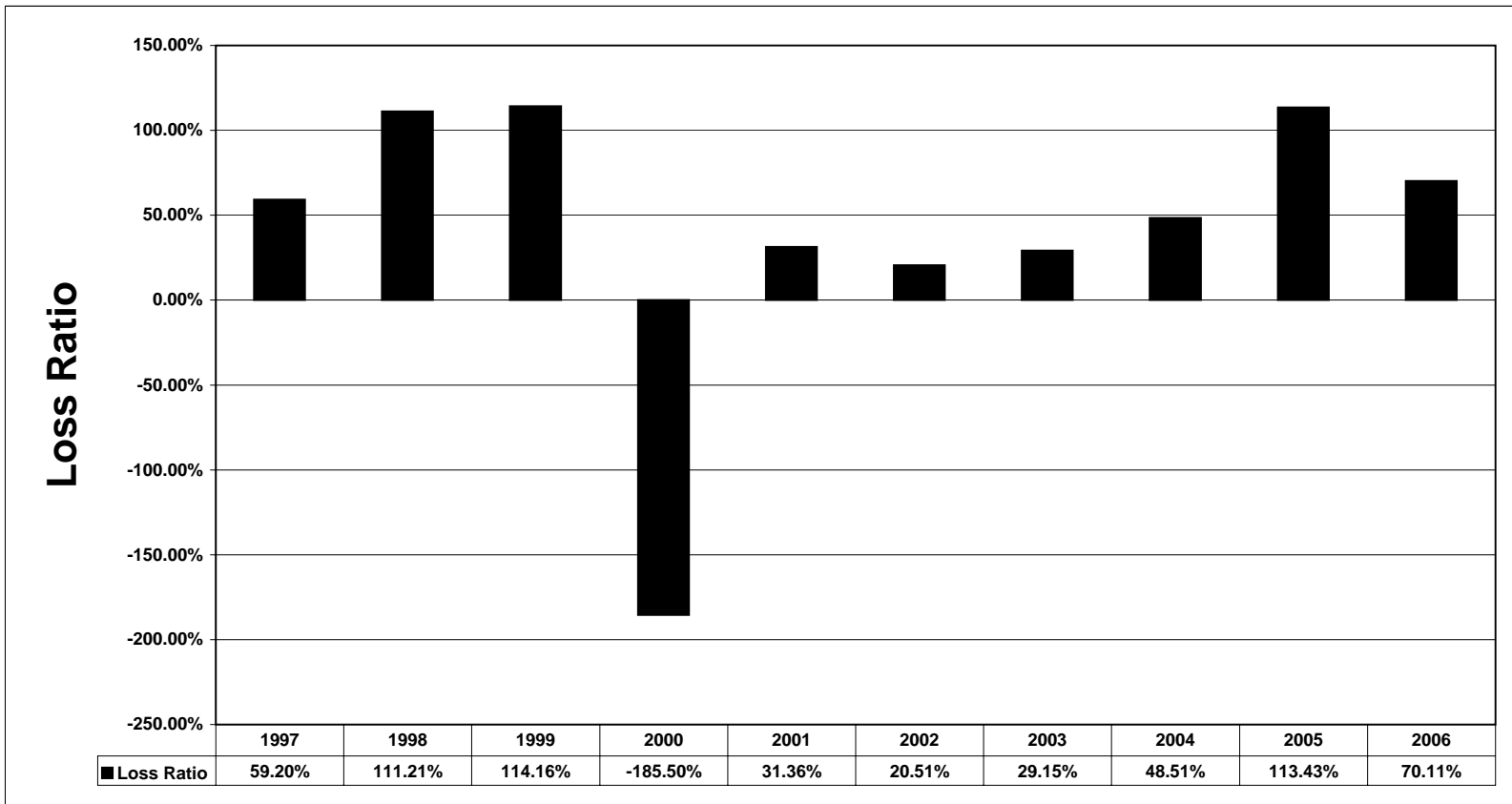
NAIC Company Code	Company Name	Market Share	Written Premium	Earned Premium	Incurred Losses	Loss Ratio
29513	BAR PLAN MUTUAL INSURANCE COMPANY THE	85.33%	\$14,877,319	\$14,252,051	\$7,541,598	52.92%
25585	PROFESSIONALS DIRECT INSURANCE COMPANY	5.23%	\$911,078	\$938,995	\$278,774	29.69%
16691	GREAT AMERICAN INSURANCE COMPANY	2.69%	\$469,253	\$482,484	\$1,706,071	353.60%
20443	CONTINENTAL CASUALTY COMPANY	2.39%	\$416,798	\$322,068	\$571,253	177.37%
24767	ST PAUL FIRE & MARINE INSURANCE CO	2.22%	\$386,719	\$327,073	\$648,355	198.23%
34207	WESTPORT INSURANCE CORPORATION	0.78%	\$136,574	\$130,493	\$0	0.00%
22322	GREENWICH INSURANCE COMPANY	0.59%	\$103,171	\$75,326	\$11,466	15.22%
42234	MINNESOTA LAWYERS MUTUAL INS COMPANY	0.48%	\$83,038	\$70,762	-\$16,351	-23.11%
24147	OLD REPUBLIC INSURANCE COMPANY	0.24%	\$41,700	\$52,963	\$0	0.00%
15865	NCMIC INSURANCE COMPANY	0.04%	\$6,514	\$66,725	-\$15,910	-23.84%
24775	ST PAUL GUARDIAN INSURANCE COMPANY	0.02%	\$3,292	\$119	\$532	447.06%
10037	INTERLEX INSURANCE COMPANY	0.00%	\$0	\$0	\$1,008,283	N/A
26344	GREAT AMERICAN ASSURANCE COMPANY	0.00%	\$0	\$0	-\$12,248	N/A
33723	GREAT AMERICAN SPIRIT INSURANCE COMPANY	0.00%	\$0	\$0	-\$865	N/A
TOTAL		100.00%	\$17,435,456	\$16,719,059	\$11,720,958	70.11%

**PAGE 20 SUPPLEMENT**  
**LEGAL MALPRACTICE EXPERIENCE**

**TEN YEAR SUMMARY**

YEAR	Written Premium	Earned Premium	Incurred Losses	Loss Ratio
1997	\$14,580,412	\$13,614,619	\$8,059,195	59.20%
1998	\$12,554,951	\$12,992,850	\$14,448,916	111.21%
1999	\$12,175,030	\$11,697,769	\$13,354,679	114.16%
2000	\$11,026,795	\$9,915,755	-\$18,393,921	-185.50%
2001	\$13,576,133	\$14,770,445	\$4,631,875	31.36%
2002	\$12,818,643	\$11,830,869	\$2,426,999	20.51%
2003	\$13,057,678	\$11,671,741	\$3,402,619	29.15%
2004	\$14,539,856	\$13,343,100	\$6,472,267	48.51%
2005	\$14,794,606	\$14,145,032	\$16,044,522	113.43%
2006	\$17,435,456	\$16,719,059	\$11,720,958	70.11%
10-Year Total	\$136,559,560	\$130,701,239	\$62,168,109	47.57%

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LEGAL MALPRACTICE EXPERIENCE  
TEN YEAR LOSS RATIO SUMMARY



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